

Ethnic discrimination and xenophobia in Germany: annual report 2006

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Ethnic Discrimination and Xenophobia in Germany

Annual Report 2006

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european forum for migration studies (efms)

Bamberg, December 2007

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Executive Summary

Whereas the **integration of migrants** has been ranking high on the political agenda in **2006**, the issue of **ethnic discrimination** as a barrier to integration has occurred less in the political and public discourse.

Right-wing extremism and **xenophobia** and the struggle against these phenomena received public attention only temporarily – in particular in the aftermath of awakening incidents, namely the attack on a German of Ethiopian origin in April 2006 and the success of the right-wing extremist party NPD in the federal state election in Mecklenburg-West Pomerania in September.

Legal issues

After several years of controversial political debates the first anti-discrimination law, the **General Equal Treatment Act**, came into force on August 18, 2006, transposing the EU directives 2000/43/EC and 2000/78/EC. The new law bans discrimination on the grounds of, among others, race, ethnic origin and religion in the sphere of labour *and* civil law.

Employment

The **official employment statistics** continue to show a clearly disadvantaged position of foreigners on the German labour market.

Since the **General Equal Treatment Act** came into force only in August, the impact is marginal so far – except for numerous seminars which are being offered on how to deal with the new equality provisions in employment. Besides these seminars, the vast majority of employment-related initiatives emphasises the improvement of the **migrants' employability**; promotion of non-discrimination plays only a subordinated role. Many initiatives are embedded in large-scale governmental support programmes (e.g. XENOS, BQF) or the Community Initiative EQUAL. The objective of increasing the proportion of migrants in the **public service** seems to have gained importance in some federal states and municipalities.

Education

The first **National Report on Education** has been published in 2006. This official report provides comprehensive information on the situation of migrants in education – differentiated not only by nationality, but also by migration background.

Foreigners and persons with a migration background continue to be **clearly disadvantaged** in the German educational system; this applies also to their participation in the apprenticeship and higher education systems. As a reaction to the growing disparities in the **access to vocational training** several federal states as well as the Federal Labour Agency have initiated special support programmes aiming at assisting migrants in finding an apprenticeship.

Institutional support measures mainly emphasise the acquisition of German language proficiency, for instance within the framework of (mandatory) pre-school language courses for migrant children which have been introduced in many federal states.

Housing

New *national* data on the housing situation of foreigners are not available. *Local* statistics compiled in individual large municipalities confirm the **disadvantaged housing situation** of foreigners. The level of **ethnic segregation** appears relatively moderate; according to research results, the proportion of individual national groups dwelling in a certain

neighbourhood rarely exceeds ten per cent. However, in many neighbourhoods the proportion of persons with a migration background is substantially higher.

According to local statistics on **discrimination complaints**, the housing sector constitutes one of those social areas which are most vulnerable to discrimination. Researchers found that, besides social status factors, **individual ethnic discrimination** by gatekeepers as well as **institutionalised forms of discrimination** (e.g. implicit quotas) by housing companies play a role in the migrants' access to housing.

Since housing (in the sense of socio-spatial living conditions) is recognised as crucial for the integration of migrants, **municipalities** have increased their efforts to include issues of housing in their local integration strategies.

Racist violence and crimes

In 2005, the police registered the highest number of **politically motivated right-wing** (violent *and* propaganda) **crimes** since the year 2000. The figures of those right-wing crimes deemed to be **xenophobic**, however, display a slightly declining tendency.

The latest official (preliminary) statistics covering the **first eleven months of 2006** show again an enormous increase in the number of extreme right-wing crimes in general, and – contrary to last years' developments – also in the number of xenophobic crimes.

Policies and measures aiming at combating xenophobia, racist crimes and anti-Semitism in Germany often occur as an element of the struggle against right-wing extremism. Institutional measures apply either a **preventive** (e.g. awareness raising campaigns) or a repressive, **offender-focused approach** (e.g. ban of extremist right-wing organisations). The commitment of **civil society** constitutes another core element of the fight against xenophobia and right-wing extremism. Measures aiming at providing **assistance to victims** of racist violence appear significantly less common.

1. Legal issues

1.1 New legislation relevant to ethnic discrimination and unequal treatment

The introduction of the General Equal Treatment Act (AGG)

The **General Equal Treatment Act (AGG)**¹ which aims at transposing the four Equality Directives

- 2000/43/EC
- 2000/78/EC
- 2002/73/EC
- 2004/113/EC

came into force on August 18, 2006. This represents the most significant legal change in the legal sphere of anti-discrimination in German history. The AGG covers, on the one hand, the area of labour *and* civil law and, on the other hand, various grounds of discrimination.

The general part of the law (§§1-5 AGG) contains the purpose of the act, its scope and definitions of direct and indirect discrimination, harassment and positive action; these sections are worded very similar to the EU directives. The sections 6 to 18 AGG refer to discrimination in the **employment sector** covering all grounds of discrimination in compliance with directive 2000/78/EC (including discrimination due to one's sex). The AGG makes use of the possible **exceptional provision** which allow unequal treatment due to occupational requirements (§ 8 AGG), due to the special status of churches or other organisations which are based on a specific ethos or belief (§ 9 AGG) or on the grounds of age under certain circumstances (§ 10 AGG; see Art. 6 of the Directive 2000/78/EC). Sections 19 to 21 AGG prohibit discrimination in the sphere of **civil law** and exceed the minimum requirements of the directive 2000/78/EC by expanding the grounds of discrimination; i.e. the AGG covers (§19 (1)) "race or ethnic origin, sex, religion, disability, age or sexual identity" – though *not* belief. Discrimination on these grounds is prohibited provided the respective civil law contract is usually concluded without respect to the individual person ("mass businesses").² This restriction on mass business contracts does not apply to discrimination on the grounds of ethnic origin, i.e. in the level of protection against ethnic discrimination is higher than unequal treatment on other grounds (§19 (2) AGG). This higher level of protection against ethnic discrimination may, however, be undermined in the realm of **housing** by Section 19 (3): this section permits unequal treatment (also on the grounds of ethnic origin) in the access to housing *if* it aims to establish or maintain socially stable housing structures and a 'balanced mixture concerning the economic, social and cultural composition of a neighbourhood'.

Regarding the shift of the **burden of proof**, the wording of the AGG is confusing and differs from the directives: If the one party "proves pieces of circumstantial evidence which give

¹ The General Equal Treatment Act represents the main part (Article 1) of the "Law for the Transposition of European Directives on the Realisation of the Principles of Equal Treatment" (Gesetzes zur Umsetzung europäischer Richtlinien zur Verwirklichung des Grundsatzes der Gleichbehandlung); published in: Official Federal Law Gazette (*Bundesgesetzblatt*) on 17.08.2006 (BGBl. Year 2006, Part I, No. 39, 17.08.2006, pp. 1897-1910)

² In the housing sector the legislator defines the term "mass business" as some who rents out more than 50 flats (§ 19 (5) AGG).

rise to the supposition” that discrimination has happened, the other party has to prove that no violation of the pertinent equality provisions has occurred (§ 22 AGG).

The specialised body was installed (without any further offices or bodies on regional or local level) at the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth according to § 25 (1) AGG.

In late November, a law was passed which contains, among others, several minor **technical amendments** to the AGG and related laws. Section 8 of the Amendment aims at levelling out certain inconsistencies of the AGG, particularly concerning its wording. The amendments further clarify that the AGG does *not* provide legal protection against discrimination on the grounds of belief in the sphere of civil law and that the AGG does *not* cover issues related to dismissals of employees.³

New law on family allowances: Unequal treatment of certain refugees

The *Bundestag* passed a new law which excludes certain refugee families from **eligibility for parental or family allowances**, such as child benefits and the newly introduced parental allowances (*Elterngeld*). According to the new law, refugees who have been granted a temporary residence status for humanitarian reasons, based on a hardship decision or in accordance with the EU directive 2001/55/EC have to meet extra criteria to be eligible for these family-related allowances.⁴

The new provisions have provoked criticism from refugee organisations, but also from leading politicians of the Green Party. Some opponents of the new law referred to the ruling of the Federal Constitutional Court in July 2004 according to which foreigners with a temporary residence status due to humanitarian reasons must not be treated differently than other foreigners with a temporary residence status.⁵

³ Germany, Bundestag, printed matter 16/3007 (18.10.2006); Bundesrat, printed matter 741/06 (26.10.2006)

⁴ They have to prove that they have been living legally in Germany for at least three years and are legally employed, receive financial support based on the Third Social Security Code (on promotion of employment) or work part-time (within the framework of a parental part-time offer of their employer). Germany, Bundestag, printed matter 758/06 (03.11.2006); Germany, Bundesrat, printed matter 758/06 (Decisions) (24.11.2006); specifically on parental allowances (*Elterngeld*): Germany, Bundestag, printed matter 16/1889 (29.09.2006); Germany, Bundesrat, printed matter 698/06 (13.10.2006)

⁵ Germany / BVerf / 1 BvR 2515/95 (06.07.2004)

1.2. Transposition of Directive on long-term resident status for third country nationals

With the new German Immigration Act (and its main component: the Residence Act, *AufenthG*) which came into effect on January 1, 2005, a new system of residence status for non-nationals was established. However, even the strongest residence status for third-country national (*Niederlassungserlaubnis*, § 9 *AufenthG*)⁶ offers a legal status which lies below the level required by the directive 2003/109/EC.⁷ Being aware of this legal shortcoming, the Federal Ministry of the Interior announced its intention to pass the Second Amendment to the Immigration Act by the end of 2006 aiming at transposing the directive in question (together with ten other EU directives).⁸ The first preliminary bill was presented on January 3, 2006 and revised again after numerous organisations⁹ and individuals sent comprehensive comments on the bill to the ministry:¹⁰ The ministry now intends to introduce the new section 9a (*AufenthG*) on foreigners with a long-term residence permit in accordance with directive 2003/109/EC, i.e. an additional residence title will be created in addition to the already existing permanent residence status (§9 *AufenthG*). This seemed necessary because – in exceptional cases – the Immigration Act contains provisions which entitles certain groups of foreigners to be granted a permanent residence status according to §9 *AufenthG* who are not entitled to apply for the long-term residence permit according to the directive (Art. 4, 5). These exceptions laid down in existing German legislation apply for, among others, the following:

- Highly qualified foreigners who can be granted a permanent residence status immediately after their arrival (§ 19 (1) *AufenthG*)
- Certain groups of newly arrived self-employed foreigners (requirement for immigration: investing more than €1 Mio and creating at least ten new jobs) can apply for such a permanent residence status already after three years (§21 (4) *AufenthG*)

⁶ By April 18, 2006, only 266,769 foreigners have successfully applied for this permanent residence status in Germany – although many more would have fulfilled the legal criteria to be granted such a permanent residence title.

⁷ For instance, the EU directive provides stronger legal protection against expulsion of long-term third country nationals than the German law does. Furthermore, according to the directive, the residence title of long-term residents does not expire when the person leaves the respective country in order to stay in another EU country, it does expire, however, if the person leaves the country to stay in a non-EU country for more than one year. According to German provisions the strong permanent residence title expires if the person leaves German soil (no matter whether the person stays within or outside the EU borders) for more than six months (§51 I Nr. 7 *AufenthG*) (Hofmann, R. (2006) „Langfristige Aufenthaltsberechtigung-EU – Anträge jetzt stellen“, in: *Anwaltsnachrichten Ausländer- und Asylrecht*, No. 2/2006 pp. 11-12)

⁸ The preliminary bill of the Federal Ministry of the Interior (version 13.03.2006) is available at: http://www.fluechtlingsinfo-berlin.de/fr/pdf/BMI_AendG_ZuwG_130306.pdf (10.07.2006)

⁹ The bill provoked a lot of criticism, e.g. by the German Federation of Trade Unions (DGB), the refugee organisation Pro Asyl and many more. The Refugee Council Berlin put many of these statements on its homepage (www.fluechtlingsinfo-berlin.de/fr/gesetzgebung/2_AendG.html#mozTocId237228; 12.07.2006). The main point of criticism stated by most organisations was the intention of the Ministry to introduce stricter regulations for the already existing permanent residence title (§ 9 *AufenthG*) which was – by no means – related to the transposition of any EU directive. These tightening provisions do not appear in the revised version of the bill (March 13, 2006) anymore.

¹⁰ Germany, Bundestag, printed matter 16/911 (13.03.2006). This document also contains an official list of all organisations which send comments and statements on the bill to the federal Ministry of the Interior.

- Recognised refugees whose recognition cannot be withdrawn anymore; those foreigners are to be granted a permanent residence status after three years (§26 (3), (4) *AufenthG*).

The Federal Ministry of the Interior sent circulars to the federal states in late January 2006 asking them to implement the regulations of the EU directive flexibly within the framework of the existing German law through “discretionary provisions”.¹¹

On January 23, 2006 (transposition deadline), the North Rhine-Westphalia (NRW) State Ministry of the Interior released a state decree for all municipal authorities for foreigners’ affairs (*Ausländerbehörden*) in NRW to grant the status of a long-term third-country national (“*langfristig Aufenthaltsberechtigung – EU*”) to those who are eligible in accordance with the directive 2003/109/EC; the authorities are obliged by the state decree to add a pertinent remark to the residence permit.¹² In other federal states, for example, Rhineland-Palatinate, the authorities are called upon to accept the pertinent applications for the long-term residence title (required by the EU directive), but suspend the reviewing procedure of the application for the time being.¹³

Despite the delay in transposing the directive, legal experts have emphasised that the provisions of the directives are applicable in Germany already – at the latest since the transposition deadline of the directive on January 23, 2006.¹⁴

1.3. Selected court cases in 2006

Decision of the Federal Court of Justice on slaughtering according to Islamic rites

The Federal Court of Justice held that the constitutional principle of animals protection (introduced in July 2002 into the Constitution) does not generally rule out that a Muslim butcher can be granted an exceptional permission for **slaughtering animals** without being stunned beforehand (i.e. in accordance with **Islamic rites**). The plaintiff, a Turkish butcher from Hesse, had already appealed successfully at the Federal Constitutional Court in January 2002. The butcher was, however, refused the exceptional permission by the municipal authority on the basis of the argument that the newly introduced constitutional principle of animal protection provides a sufficiently strong legal basis for banning slaughtering according to Islamic rites. The Federal Court of Justice held that the pertinent amendment of the Constitution has not changed the legal situation: exceptional permissions must be granted if such a specific type of slaughtering is mandatory according to the rules of a religious community.¹⁵

¹¹ Maaßen, H.-G. (2006) „Zum Stand der Umsetzung von elf aufenthalts- und asylrechtlichen Richtlinien der Europäischen Union, in: *Zeitschrift für Ausländerrecht und Ausländerpolitik*, Vol. 26, No. 5-6, pp. 161-167 (here: p. 164).

¹² NRW State Ministry of the Interior, decree on 23.01.2006 (Anwaltsnachrichten Ausländer- und Asylrecht No. 2/2006, p.12 (Deutscher Anwaltsverein, Arbeitsgemeinschaft Ausländer- und Asylrecht)).

¹³ Working group Asylum Rhineland-Palatinate, letter to the Rhineland-Palatinate State Ministry of the Interior (13.04.2006); available at: http://www.asyl-rlp.org/erlass_drucker.php?erlass_id=1 (11.10.2006)

¹⁴ Dienelt, K (2006): Die Vorbehalte der öffentlichen Sicherheit und Ordnung in der Daueraufenthaltsrichtlinie (e-Book), Eschborn: Migrationsrecht.Net, p. 11-12; Hofmann, R. (2006) „Langfristige Aufenthaltsberechtigung-EU – Anträge jetzt stellen“, in: *Anwaltsnachrichten Ausländer- und Asylrecht*, No. 2/2006 pp. 11-12

¹⁵ Germany / BVerwG / 3 C 30.05 (23.11.2006)

Member of jury discharged by the judge due to her Muslim headscarf

The judge at the Regional Court Dortmund discharged a **member of the jury**, a German woman with a Turkish background, from her jury duty because she refused to take off her **Muslim headscarf**. The judge argued that the headscarf expresses a certain “belief” and thus contravenes the objectivity required to fulfil the duty of a juror. The vice-chairman of the judges’ association of North Rhine-Westphalia, *Richterbund NRW*, stated that he would like higher courts to clarify the issues in question.¹⁶

Bavarian Constitutional Court of Justice decides upon legal ban of Muslim headscarves

The Bavarian State Constitutional Court of Justice¹⁷ has started oral proceedings on whether Art. 59 (2) of the Bavarian State School Law is in compliance with the Bavarian State Constitution. The pertinent school law provision (in effect since January 1, 2005) bans teachers from wearing clothes which can be understood by pupils and parents as an expression against “constitutional values and the educational objectives laid down in the constitution, including Christian and occidental values”. The Bavarian State Parliament had passed this amendment in order to **ban Muslim teachers from wearing a headscarf** whilst teaching. The plaintiff, a Berlin-based Islamic organisation, argues that the pertinent provision violates the constitutional protection of the freedom of religion (Art. 107 of the Bavarian State Constitution, BV) and the principle of equal treatment (Art. 118 (1) BV). The ruling of the court is expected to be announced in mid-January 2007.

1.4. Reports and studies

EU directive 2003/109/EC

The legal expert Dienelt compiled a comprehensive paper on the directive 2003/109/EC and published it as an eBook on the legal expert platform “Migrationsrecht.Net” (online). The paper presents an overview of the **legal status of long-term third country nationals** according to the EU directive focussing on *ordre public* issues (denial or withdrawal of the status for public security reasons) and comparing the status of EU citizens and long-term residents according to 2003/109/EC.

The aforementioned article “Current state of the transposition of eleven directives of the European Union dealing with residence and asylum” by Maaßen contains a chapter on the transposition process of the directive 2003/109/EC; among others, Maaßen elaborates on which areas existing legislation (mainly the Residence Act) have to be amended, such as:

- Provided that the family of the long-term resident (according to the directive) was already constituted in the first Member State, the family has the right to accompany or join the long-term resident who lives in another EU-MS (Art 16 of the Directive)
- Exceptional provisions concerning the obligation to take part in civic courses for new immigrants
- Adaptation of the German law concerning possible conditions which can lead to a loss of the entitlement of such a long-term residence status (Art. 9 of the Directive).

In addition to these reports on the directive 2003/109/EC, a broad range of mainly national NGOs and some academics released public statements in January 2006 commenting on the preliminary bill on the Second Amendment to the Immigration Law.¹⁸ One of the most

¹⁶ Frankfurter Rundschau (08.11.2006), p. 4; Frankfurter Rundschau (09.11.2006), p.6

¹⁷ Press release of the Bavarian State Constitutional Court, 20.11.2006; Rath, C. (2006) “Kopftücher ab, Hüte auf”, in: *tageszeitung* (28.11.2006), p.7

¹⁸ The comprehensive statements and comments of some 20 organisations are available at: www.fluechtlingsinfo-berlin.de/fr/gesetzgebung/2_AendG.html#mozTocId237228 (14.07.2006).

comprehensive papers was compiled by the legal expert Gutmann. The author criticises, among others, the title of the new residence status which is not in compliance with the directive, the confusing and unclear wording of the new provisions and the lack of transitional arrangements.¹⁹

Propaganda offences

A recently released publication on the **legal ban of NS propaganda** and incitement of the people (i.e. §§ 86, 86a, 130 Criminal Code) offers a legal analysis of these sensitive aspects of the German Criminal Code and provides an overview on how these provision have been continuously expanded. The author Silvia von Dewitz concludes that these provisions are at the margin of what is constitutionally justifiable and encompass a symbolic meaning which is beyond all other penal provisions.²⁰

1.5. Legislative measures and initiatives combating discrimination, racism, xenophobia and anti-Semitism

Institutional policies and measures

Striving for an improvement in the integration of migrants and minorities, the **NRW State government** agreed upon an **Action Plan Integration** on June 27, 2006. This comprehensive concept defines practical measures to be taken in various areas. For instance, the State government announced its plan to expand the pre-school language support programmes; to reach this goal, the State government decided to provide more financial means to these programmes. The State School Law was amended accordingly on June 27, 2006. Furthermore, the State government announced that young people with a migration background will be encouraged to become teachers, and schools will be called upon to encourage people with a migration background to apply for teacher positions. Moreover, a special Integration Council was established in late September 2006 which is commissioned to discuss the progress and failures in the integration process on a regular basis. Other issues which the Action Plan deal with are, among others,

- closer cooperation with Muslim organisations,
- projects and measures to improve the access to employment for migrants,
- involvement of migrants organisations,
- anti-segregation measures,
- forced marriages,
- promoting naturalisations.²¹

On June 8, 2006, the parliamentary group of the Social Democrats and of the left-wing party *Linkspartei*. *PDS* made a motion in the **Berlin Senate** to further develop and enhance the

¹⁹ Gutmann, Rolf (2006) Gutachten zum Entwurf des Gesetzes zur Umsetzung aufenthalts- und asylrechtlicher Richtlinie der Europäischen Union; available at: www.fluechtlingsinfo-berlin.de/fr/pdf/Gutmann_2-AendG.pdf (11.10.2006); Gutmann's expertise served as a basis for the comprehensive comment by the German Federation of Trade Unions.

²⁰ Silvia von Dewitz (2006) NS-Gedankengut und Strafrecht. Die §§ 86, 86a StGB und § 130 StGB zwischen Abwehr neonazistischer Gefahren und symbolischem Strafrecht. Duncker-Humblot Verlag

²¹ Nordrhein-Westfalen, Ministry for Generations, Families, Women and Integration, Land der neuen Integrationschancen – Aktionsplan Integration (27.06.2006); available at: www.mgffi.nrw.de/pdf/integration/aktionsplan-integrationpdf.pdf

Berlin Integration Concept “Encouraging Diversity – Strengthening Cohesion” (2005)²², in particular by increasing the proportion of migrants in the public sector and by establishing a monitoring and reporting system on the level of integration in Berlin by the end of 2006. Following the decision of the “Council of Majors”, a high-ranking advisory committee in Berlin, the two parliamentary groups also called upon the Senate to pay attention to the analysis of and measures against “discrimination, especially institutional/structural discrimination”.²³ Two weeks later, the parliamentary committee in charge of integration issues seconded this motion and called upon the Senate to pass the amendment of the State Integration Concept.²⁴

Significant initiatives linked to legislation, including training events

The introduction of the General Equal Treatment Act (AGG) encouraged various organisations and companies not only to provide comprehensive information on the new Act (e.g. on their websites, publications), but also to offer numerous **seminars** and **training measures** on how to deal with the new provisions.²⁵ The vast majority of these (usually one or two-day) seminars focus on the regulations in the sphere of labour law, often organised by personal management companies.²⁶ It is to be mentioned that many of these workshops address personnel managers and/or employers²⁷ and deal with the question of how to protect the companies from rising costs, administrative burden and the risk of being sued on the basis of the new legal provisions.²⁸ Other seminars aim at employers *and* representatives of the work councils (e.g. HR Brain²⁹). A much smaller number of seminars (e.g. of the further education institute *Arbeit und Leben DGB/VHS NW e.V.*³⁰) particularly addresses members of work councils and focuses on the concrete implementation of the equality provisions in the companies and the new opportunities for the work council; one of these seminar deals

²² The English version of this concept is available at: www.berlin.de/imperia/md/content/lb-integration-migration/publikationen/berichte/berlin_integration_policyl.pdf (19.07.2006)

²³ Berlin, Senate, printed matter 15/5214 (08.06.2006)

²⁴ Berlin, Senate, printed matter 15/5276 (20.06.2006)

²⁵ In the meantime, the consulting company *Maritz* offers the e-learning tool “eDiversity” which aims at supporting employers to train their employees on how to establish a discrimination-free work environment in compliance with the new AGG (see <http://www.presseportal.de/story.htm?nr=855353&firmaid=63075> (11.10.2006).

²⁶ A small number of seminars on the struggle against discrimination targets at legal experts; one significant example is the two-day seminar “Combating discrimination in the praxis”, organised and financed within the framework of the Community Action Programme to Combat Discrimination, which was conducted at the Academy of European Law (ERA) in Trier in May 2006; this expert seminar focussed on the two EU Equality Directives.

²⁷ A survey on the new Equal Treatment Act among 252 managers in charge of personnel, conducted by the personal management company Randstad in June 2006, revealed that only 13.5% of the interviewed companies assume to be “sufficiently prepared” for the new provisions. Pertinent trainings have been conducted especially for the personnel department (13.1%) and the legal department (6.7%) of the companies; only 2.4% of the interviewees stated to have organised trainings for the members of the work councils. See www.randstad.de/rde/download/ueber/downloads/print/INNOFACT_Randstad%20Expertenpanel_Juni%202006_AGG_Teilnehmerergebnisse_v3.pdf (24.07.2006)

²⁸ see, for instance, the seminar offered by the European Business Academy (EWA): www.ewa-demos.com/modules.php?name=Content&pa=showpage&pid=81

²⁹ www.ad-gesetz.de/sites/seminare.htm (11.10.2006); The company HR Brain even offers a special computer software to facilitate a discrimination-free recruitment process (www.ad-gesetz.de/sites/loesungen.htm (11.10.2006).

³⁰ This particular seminar is conducted by two legal experts, one of them being a member of the migration expert committee of the Council of Europe (Memet Kiliç); the seminar offers are available at: <http://www.aulnrw.de/206.0.html>

with the protection against discrimination specifically against migrants.³¹ The German Federation of Trade Unions (DGB) also offers seminars on the implementation of the new provisions and has additionally compiled a comprehensive brochure on the new law.³²

Despite the fact that these seminars seem to pursue different aims and have different intentions, they all contribute to more awareness of the new anti-discrimination provisions.

Not only employers and employees are prepared for the new anti-discrimination provisions, but also **journalists**. Within the framework of the EU Campaign *For Diversity. Against Discrimination*, the Federal Commissioner for Migration, Refugees and Integration and the German Federation of Journalists (DJU) organised the **seminar** “The anti-discrimination act is coming – how can journalists deal with this topic”. The seminar was held in Berlin on February 10, 2006.³³ Although only 18 journalists and spokespersons of different organisations participated in the seminar, this activity appears significant due to the high importance of the media in the public discourse on integration and discrimination.³⁴

Within the framework of the anti-discrimination project “GET in – Guide to Equal Treatment in the Private Sector”³⁵, a **brochure** was published which aims at **assisting antidiscrimination advisory bodies** to adapt their counselling work to the new legal framework established through the introduction of the General Equal Treatment Act. The 20-page guidelines offer practical help concerning issues such as how to deal with the burden of proof regulations, how to cooperate with legal experts, where to apply for financial support and how to improve the public relations and networking activities.³⁶

A similar “GET in” brochure which particularly **targets potential victims of discrimination** is called “Recognising unfair treatment as a consumer and acting against it”. It offers various practical recommendations for those who feel discriminated against and lists all (non-)governmental antidiscrimination bodies in Germany.³⁷

³¹ www.aulnrw.de/fileadmin/docs/pdfs/aktuelles/Faltblatt_AGG.pdf#search=%22Kili%C3%A7%20Gleichbehandlungsgesetz%20Seminar%22 (26.09.2006)

³² DGB Bildungswerk (2006) Forum Migration, No. 10/2006, p.2

³³ http://web20.s112.typo3server.com/fileadmin/pdfs/Nationale_Inhalte/Germany/events/JournSeminarInvitation.pdf; www.stop-discrimination.info/1193.html (both 20.07.2006)

³⁴ The “important and significant role” of the media “in the public perception of racist violence” was once again emphasised in an anti-racism resolution of the European Parliament in June 2006 (EP, Joint Motion for a Resolution (12.06.2006; RC\619424EN.doc); resolution passed on the EP plenary session on June 15, 2006)

³⁵ The project has been supported by the Action programme; it is being conducted by the Anti-Racism Information centre ARIC-NRW and the German welfare organisation Caritas and the regional Caritas office in Cologne in cooperation with the Dutch antidiscrimination organisation LBR and the Caritas Poland.

³⁶ www.getin-online.net/pdf/Broschuere_DE.pdf (06.12.2006)

³⁷ www.getin-online.net/Leitfaeden.html (06.12.2006). The brochure is published in five languages: German, English, French, Russian and Turkish.

2. Employment

2.1. New sources of data

In the realm of employment, (new) nationwide official data sources regarding racism and discrimination do not exist. However, a few local anti-discrimination offices – either departments within the municipal or federal state administrations or local NGOs – register complaints of discrimination, among others, in the sphere of employment. New information on discrimination complaints in the realm of employment is offered by the following bodies³⁸:

- The non-governmental anti-discrimination Office **Cologne** (ADB Köln)
- The anti-discrimination body within the municipal administration in **Hanover**
- The anti-discrimination body within the municipal administration in **Munich**
- Centre against Discrimination at the Office of the **Berlin State** Commissioner for Integration and Migration
- The non-governmental anti-discrimination network **Berlin** (ADBN)

2.2. Statistical data and information

2.2.1 Complaints of discrimination in employment³⁹

The **Anti-Discrimination Office in Cologne (ADB Köln)** at the non-governmental association *Öffentlichkeit gegen Gewalt (Köln)*⁴⁰ documents its advisory and counselling activities and registers cases of complaints on discrimination – differentiated by the social context in which the discriminatory incident occurred. Between 2002 and 2004, 7% of all 165 complaints were categorised as labour market related (twelve cases). In 2005, ten complaints of discrimination in employment were counted by the ADB (total number of registered complaints in 2005 was 67). The most vulnerable areas continue to be the sector of public authorities (17 cases in 2005) and the service sector (13 cases).⁴¹

³⁸ This table lists – to the best of our knowledge – all relevant organisations in Germany which register and collect discrimination complaints differentiated by social field; however, due to the dispersed and complex structure of (local) anti-discrimination organisations and bodies in Germany we cannot guarantee that the list is exhaustive.

³⁹ These statistical data on complaints are *not* suitable for providing information on the actual quantitative extent of (experienced) discrimination due to the fact the willingness to turn to an anti-discrimination body to lodge a complaint depends on various factors (Wrench (2005) The measurement of discrimination: problems of comparability and the role of research, in: Mannila, S. (ed.) *Data to promote Equality. Proceedings of the European Conference* (published by the Finnish Ministry of Labour), pp. 56-76; here: p. 61). According to the findings of the latest EUMC pilot study on experienced discrimination, “one fifth of the respondents who subjectively experienced discrimination reported the acts of discrimination to public authorities” (EUMC (2006) Migrants’ experiences of racism and xenophobia in 12 EU Member States. Pilot Study, EUMC: Vienna, p. 38)

⁴⁰ www.oegg.de/modules.php?name=Content&pa=showpage&pid=8&active=2 (31.07.2006); for more information on the organisation see RAXEN Special Study 2005

⁴¹ *Öffentlichkeit gegen Gewalt e.V.(ÖgG) (2004) AntiDiskriminierungsBüro (ADB) Köln. Dokumentation 2002/2004. Mit Beilage 2005. Köln.*

In 2005, the **official anti-discrimination body** within the **municipal administration of Hanover**⁴² registered a total number of 37 complaints on discrimination (2004: 37; 2003: 43; 2002: 44). The number of complaints on discrimination in employment does not show a consistent development: In 2005, five such cases were registered, whereas in the year before only one complaint on labour market discrimination was counted (2003: 4; 2002: 6).⁴³

The **Body for Complaints of Discrimination** within the **municipal administration of Munich**⁴⁴ has systematically collected cases of discrimination complaints since August 2003 using a special documentation questionnaire. The first analysis of all documented cases (until the end of 2005) listed 199 cases differentiated by, among others, the areas in which the discriminatory incident occurred. 13% of these 199 cases were related to employment, which makes the labour market the third most vulnerable social field surpassed only by “public authorities” (19%) and “housing” (14%).

The **official anti-discrimination body** of the federal State of **Berlin**, the *Centre against Discrimination at the Office* of the Berlin Senate Commissioner for Integration and Migration⁴⁵, was installed in February 2005 as the first official anti-discrimination body empowered by state legislation. Since then (until June 2006), the Centre has registered 82 complaints of people who felt discriminated against. According to the anti-discrimination body, only 23% of these 82 complaints were deemed to be cases of actual discrimination (19 cases). In nine cases (of the total number of 82 complaints) the person sought assistance due to a conflict at work which was perceived by the individual as discrimination (public authorities: 27 cases; housing: 15 cases).⁴⁶

The **Anti-discrimination network Berlin (ADBN)** has documented 81 complaints on discrimination in Berlin for the period June 2003 to December 2005. 77 of the 81 cases were reported by the victims themselves. Most of the people who contacted the ADBN felt discriminated against due to their (ascribed) origin or religion, their skin colour, nationality or language. Relatively few complaints (six cases) were registered in the area of employment (including vocational training) categorised as “racist and Islamophobic mobbing/bossing, dismissal, instruction to discriminate” as the following table shows.⁴⁷

⁴² This official body registers complaints of discrimination only if the case is clearly related to discrimination due to one’s origin, language, nationality or religion and in which the anti-discrimination body provided more assistance than merely giving information www.hannover.de/de/gesundheits/soziales/verbaende/interkul/ref_inku/auf_arbe/antidisk/index.html (31.07.2006)

⁴³ Stadt Hannover, Report of the anti-discrimination body of the City of Hanover; attachment to the printed matter 1566/2006 (22.06.2006)

⁴⁴ www.muenchen.de/Rathaus/dir/antidiskriminierung/149416/grundgesetz.html; www.muenchen.de/cms/prod1/mde/de/rubriken/Rathaus/40_dir/antidiskriminierung/beschluss1304.pdf#page=21 (08.10.2006)

⁴⁵ www.berlin.de/sengsv/auslb/leitstelle.html (31.07.2006); for more information see the RAXEN Special Study 2005.

⁴⁶ These data have not (yet) been made publicly available by the Centre.

⁴⁷ Antidiskriminierungsnetzwerk Berlin des Türkischen Bundes Berlin-Brandenburg (2006) *Antidiskriminierungsreport Berlin 2003-2005. Wie steht es mit Diskriminierung in Berlin?*, Berlin This report also contains the results of a questionnaire survey among 452 migrants in Berlin which aimed at analysing their subjective experiences of ethnic discrimination; according to the findings, the access to employment is the most vulnerable social context: 57% of those migrant interviewees who were trying to find a job stated that they have felt discriminated against due to their nationality, ethnicity skin colour or religion (see pp. 27-30).

Table 1: Number of complaints on ethnic discrimination (incl. other grounds, such as gender or sexual identity) recorded by the ADNB (June 2003 to December 2005)

	June 2003-December 2005
Public authorities	28
Education	15
Access to public and private goods and services (including housing)	13
Close/proximal social sphere (Sozialer Nahraum)	11
Employment and vocational training	6
Public transport	2
Media	2

Source: Antidiskriminierungsnetzwerk Berlin des Türkischen Bundes Berlin-Brandenburg (2006) Antidiskriminierungsreport Berlin 2003-2005. Wie steht es mit Diskriminierung in Berlin?

2.2.2 Official statistics on the labour market situation

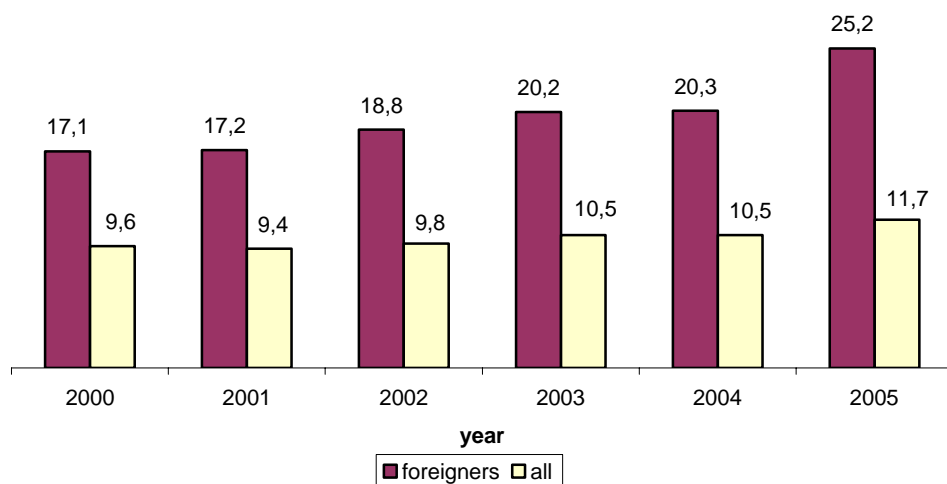
Official statistical data, which solely differentiate between Germans and non-Germans⁴⁸, continue to indicate the disadvantaged position of foreigners on the German labour market. Some statistics reveal that the situation of foreigners has severely worsened (e.g. unemployment rate). Some figures indicate a slight improvement of the labour market situation of foreigners (e.g. economic sectors; shift work).

Unemployment rate

The unemployment rate among non-Germans increased from 17.1% in 2000 to 20.3% in 2004 and rocketed to 25.5% in 2005. The official statistics also show that the gap between Germans and foreigners has grown wider over the past few years: In 2000, the unemployment rate of foreigners was higher by 7.5 percentage points than the general unemployment rate; this difference amounted to 13.5 percentage points in 2005.

⁴⁸ The shortcomings of the German statistics with their focus on the differentiation solely between Germans and foreigners have become more and more obvious: according to the latest 2005 micro census, the number of people with a migration background (15.3 Mio.) differs greatly from the number of foreigners (6.8 Mio.).

Graph 1: Unemployment rate (foreigners and general rate) in % (2000-2005)*



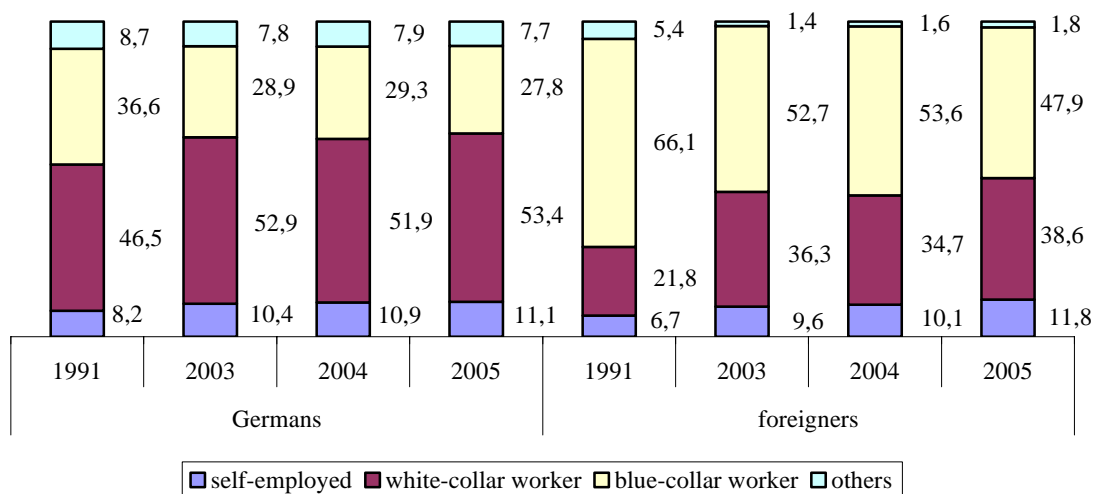
Source: Federal Labour Agency

*Due to the introduction of the SGB II (Social Security Code II) the comparability of data from 2004 and 2005 is limited.

Types of employment

The proportion of Germans as well as non-German employees who work as white-collar employees continued to increase in 2005. As this increase has been more significant among non-German employees (+3.9 percentage points) than among German employees (1.5 percentage points), the disparities between German and non-Germans have decreased. Vice versa, the proportion of blue-collar workers continues to drop among both German and non-German employees – however, more significantly among non-Germans. In 2005, the proportion of self-employed foreigners (11.8%) surpassed – for the first time – the proportion of self-employed among Germans (11.1%) as the following table illustrates:

Graph 2: blue collar, white collar and self-employed; Germans and foreigners in %



Source: Federal Statistical Office

Employees by economic sectors and branches

Regarding the distribution of German and foreign **employees by economic sectors**, the disparities have diminished significantly: in 1974 almost 80% of all foreign employees (compared to 56% of all employees) were working in manufacturing. In 1998, respective figures decreased to 53% (or 40% of all employees). This positive development has also continued in recent years: The statistics illustrate not only the general trend towards the service sector, but also the tendency of diminishing disparities between German and non-German employees – despite a continuously clear gap (Table 2).

Table 2: Employment by nationality in different sectors; 2003 – 2005

Economic sectors	Germans			Foreigners		
	2003	2004	2005	2003	2004	2005
Primary sector (agriculture, fishing, forestry)	1.2%	1.2%	1.1%	1.3%	1.4%	1.5%
Secondary sector (manufacturing and construction)	33.1%	32.7%	32.3%	40.3%	38.9%	38.1%
Tertiary sector (service, trade etc.)	65.7%	66.1%	66.6%	58.9%	59.7%	60.4%

Source: Federal Labour Agency⁴⁹

A closer look at different branches, however, reveals that foreigners in the **tertiary sector** are clearly overrepresented in those **service branches** with a lower income and less favourable working conditions: in June 2005, more than 21% of all employees in the hotel and catering business were foreigners; their proportion in the cleaning business was even higher (26%). On the other hand, in highly skilled professions with a higher prestige, e.g. in trade, in banks and in the public service, non-Germans are clearly underrepresented. This disadvantaged occupational position has hardly changed in the course of the past few years as the following table illustrates.

⁴⁹ Germany, Federal Labour Agency, Beschäftigte - nach Wirtschaftsgruppen - Jahresheft - 30.06.

Table 3: Proportion of foreign employees amongst all employees in selected branches in % (2000 – 2005)

Selected branches of the tertiary sector	2000	2001	2002	2003	2004	2005
Hotel and restaurant business	22.2	22.3	22.2	21.4	21.1	21.1
Cleaning	26.4	27.2	27.8	27.4	26.5	26.0
Education and teaching	4.2	4.6	4.5	4.8	4.8	4.6
Credit business	2.2	2.3	2.3	2.3	2.2	2.2
Insurance business	2.2	2.4	2.5	2.6	2.5	2.5
Public administration, defence, social insurance	2.0	2.1	2.1	2.1	2.1	2.0

Source: Federal Labour Agency⁵⁰

2.3 Reports and studies

Integration and Exclusion of Turkish migrants

The most significant research report on discrimination in employment published in 2006 is on “Processes of Integration and Exclusion. Turkish Migrants of the Second Generation” by Gestring, Janßen and Polat (University of Oldenburg). The publication is based on an empirical research project which examined factors affecting the processes of **integration and exclusion** of second generation migrants with a Turkish background in Germany. The project focussed on different aspects – **employment, housing** and social networks – and gained insights through secondary data analysis and qualitative interviews with migrants and with gate-keepers in the labour and housing market.

Concerning the integration or exclusion in the labour market, the researchers came to the conclusion that the migrants’ access to the labour market is not only negatively affected by their (lower) level of qualifications, but also by discriminatory practices. The research study – particularly the interviews with the gate-keepers themselves – revealed that the decisions of gate-keepers (e.g. personnel managers), are not only guided by relevant factors like education, qualification and work experiences, but also by certain cultural stereotypes and prejudices towards Turkish migrants (e.g. not ambitious; “machos”, incapable of working in a team). This negative perception aggravates the migrants’ access to the labour market especially to jobs in the service sector. Many gatekeepers explained that they want to avoid negative economic and/or social consequences due to (assumed) conflicts (e.g. between Turkish employees and clients or between Turkish and German employees); some employers clearly displayed personal resentments towards Turkish applicants.⁵¹

⁵⁰ Germany, Federal Labour Agency, Beschäftigte - nach Wirtschaftsgruppen - Jahresheft - 30.06. (WZ2003)

⁵¹ Gestring, N., Janßen, A.; Polat, A. (2006) Prozesse der Integration und Ausgrenzung. Türkische Migranten der zweiten Generation. Wiesbaden: VS Verlag für Sozialwissenschaften (on employment: pp. 135-193)

Perceived Discrimination

The latest findings of the **Multi-Topic Survey**, conducted by the Centre for Studies on Turkey among migrants of Turkish origin in North Rhine-Westphalia (NRW)⁵², indicate that the level of **perceived discrimination** among Turkish migrants has decreased, but remains on a high level: In the 7th Multi-Topic Survey (2006) 52.4% of the interviewees stated that they had experienced discriminatory treatment at their “workplace, school and/or university” – more than in any other areas. Furthermore, 43.3% (2005) stated that they had faced discrimination while looking for a job. These results display – for the second time in a row – a decrease in the perception of discrimination in employment as the following table shows:

Table 4: Changes in the perception of discrimination in employment

field of perceived discrimination	Differences between ... (in %)				
	1999 - 2001	2001 - 2002	2002 - 2003	2003 - 2004	2004 - 2005
Workplace/school/university	+ 8.9	+ 5.8	+ 3.1	- 0.1	- 4.1
Access to employment (looking for a job)	+ 7.3	+ 6.4	+ 1.8	- 3.5	-5.1

Source: Sauer/Goldberg 2006, p. 136

International survey on perceived discrimination

According to the **international survey** *Global Workforce Index* among 70,000 interviewees in 28 countries (among those, Germany with 2,000 respondents)⁵³, a total of 46% of the German interviewees stated that they have been treated in a discriminatory way when **applying for a job** during the past five years. 26% of the interviewees stated that they had experienced discrimination on the grounds of age, nine per cent on the grounds of their sex, seven per cent due to their skin colour and two per cent because of their disability. 31% of the respondents also stated that they had experienced discrimination in the **workplace** – predominately on the grounds of age, sex or skin colour.⁵⁴

Integration and economy

The Association of German Chambers of Industry and Commerce DIHK conducted a **survey** among enterprises in Germany on their **perception of “integration and the economy”** in late 2006. The responses of more than 1,250 entrepreneurs were analysed. According to the findings, the vast majority of German entrepreneurs who have experience with the integration of migrants in their company stated that the integration works without any problems or “usually without problems”. This is in particular valid for those migrant employees which have higher levels of qualification.⁵⁵

⁵² This study is representative for the migrant population of Turkish origin above 18 years old in NRW. Sauer, M.; Goldberg, A. (2006) *Türkeistämmige Migranten in Nordrhein-Westfalen. Ergebnisse der Siebten Mehrthemenbefragung*. Essen: ZfT (commissioned by the NRW State Ministry for Generations, Families, Women and Integration), pp. 135-136

⁵³ This international survey was conducted in 2006 by the US-based company Kelly Services, Inc.

⁵⁴ Press release Kelly Services, Inc. (17.10.2006); available at:

<http://de.kellyglobal.net/web/de/services/de/pages/diskriminierung.html> (04.01.2007)

⁵⁵ According to the entrepreneurs, the integration of less qualified migrants causes many more problems: more than 43% of the respondents perceive integration problems of less qualified migrants

Concerning implemented internal **instruments to promote integration**, 31% of the respondents stated that there is a specific contact person for employees of non-German origin in their company (mainly large companies, not so many in the service sector) and 43.5% stated that cultural diversity is promoted.

The DIHK survey also asked about an assessment of certain **political approaches** to improve the integration of migrants. The respondent clearly favours educational concepts and programmes outside of their companies (e.g. language programmes in early childhood, mandatory integration courses) and disapproves strongly of the expansion of further training in the migrants' mother tongue or migrant quotas for access to the apprenticeship system.⁵⁶

Voluntary work agreements and equal treatment

The social scientist Robert Keckes examined the implementation and effectiveness of internal **voluntary work agreements on equal treatment** in the workplace and against discrimination. In cooperation with anti-discrimination experts at the Educational Centre of the German Federation of Trade Unions (*DGB Bildungswerk*), he analysed eight of these equality agreements in German companies. The authors differentiated between two types of agreements: those that aim explicitly at the promotion of equal treatment and the struggle against (particularly xenophobically motivated) discrimination (type A) and those which strive for encouraging partnership behaviour in the workplace (type B).

Internal codes of conduct are generally assessed as "important instruments for the promotion of mutual respect" and part of the "culture of the company". Whereas type B agreements contribute to the protection of diversity within the company, type A agreements have a more symbolic meaning – inside and outside of the company. The positive impact on the every day life in the workplace is particularly due to the fact that they offer binding provisions on how to implement the principles of diversity and equal treatment.⁵⁷

2.4 Impact of EU Directive 2000/43/EC

The General Equal Treatment Act, which aims at transposing, among others, the EU Directive 2000/43/EC, entered into force not before mid-August 2006. As a consequence, the impact of the directive is rather slim so far.

The **City of Munich** introduced an **anti-discrimination agreement** for its 28,000 employees in January 2006 with a reference to "European directives" (i.e. 43/2000/EC). The development and implementation of this local "Agreement for Equal Opportunities and against Discrimination in Employment" was driven by the question of how to concretely transpose the "European notion" of anti-discrimination in the context of the municipal administration of Munich.⁵⁸ The agreement prohibits direct and indirect discrimination due to one's sex, origin, colour of skin, religion, disability, age or sexual identity; it contains provisions on further training measures (e.g. information on prejudices and exclusions,

"sometimes" (31.1%), "often" 9.2%) or "always" (2.9%), whereas this proportion is much lower for the perceived integration problems of higher qualified migrants (only 12.5%).

⁵⁶ DIHK (2006) Integration und Wirtschaft. Die Sicht der Unternehmen. Berlin, Brussels: DIHK; press release DIHK, 15.12.2006

⁵⁷ Keckes, R. (2006) Integration und partnerschaftliches Verhalten. Betriebs- und Dienstvereinbarungen. Fallstudien, Frankfurt/Main: Bund-Verlag (in cooperation with Michael Dälken and Leo Monz).

⁵⁸ Press release City of Munich (18.01.2006); available at:

www.muenchen.de/Rathaus/por/presse/antidiskr/153915/index.html (11.10.2006); the agreement is available at:

www.muenchen.de/vip8/prod1/mde/de/rubriken/Rathaus/60_por/11_broschueren/antidiskriminierungsvereinbarung2.pdf (27.07.2006).

imparting intercultural competence) and on possible sanctions and specifies the “burden of proof” regulations.

The transposition process of the Directive 2000/43/EC has indirectly affected the **training and seminar programmes** of many companies. According to a survey among 252 personnel managers conducted by the personal management company *Randstad* in June 2006, the majority of the managers interviewed have already conducted or are planning to conduct special training sessions on the new anti-discrimination law (AGG) for their personnel department (about 60%) and for their executive staff (about 50%).⁵⁹

The new law obliges employers to introduce preventive measures to avoid discrimination in the company and to inform and train their employees accordingly (§ 12 AGG); to which extent such measures have already been implemented is unclear.

2.5 Positive measures against discrimination on the grounds of religion at the work place

There have hardly been any new positive measures addressing discrimination *specifically* on the grounds of religion at the workplace in 2006.

The aforementioned General Equal Treatment Act and – on the local level – the Agreement for Equal Opportunities and against Discrimination in employment in the City of Munich (in force since January 15, 2006) are both significant **(legal) measures** which counteract, among others, discrimination due to one’s religion.

A new **practical measure** addressing the needs of religious minorities at the workplace was implemented most recently in the banking company *Commerzbank* in Frankfurt/Main: Encouraged by a Muslim employee’s suggestion, a “room of silence” was set up — which is meant to be used, among others, as a **place of prayer** for Muslim employees.⁶⁰ Another banking company, the *Deutsche Bank*, is currently planning to set up a special room for prayers in Germany.⁶¹

A new **court ruling** concerning the ban of Muslim teachers from wearing a headscarf whilst teaching at state schools may have an impact on the discrimination against Muslim teachers in the future: On July 7, 2006, the administrative court in Stuttgart decided that a Muslim teacher in the state of Baden-Württemberg cannot be banned from wearing her headscarf at work. The state school law was amended in 2004 in order to provide a legal instrument for such a ban (see NAR 2004 and 2005). The court did not question the pertinent provisions in State School law; however, it ruled that the school authority cannot ban the Muslim teacher from wearing a headscarf (based on Section 38 II School Law) while nuns in the same federal state are allowed to wear their habits – which is the case in Baden-Württemberg. This

⁵⁹ It is to be mentioned that the managers interviewed stated only rarely that such training sessions have been or will be offered to members of the work council (25%) or even to all employees (8%).

The results of the survey are available at:

www.randstad.de/rde/download/ueber/downloads/print/INNOFACT_Randstad%20Expertenpanel_Juni%202006_AGG_Teilnehmerergebnisse_v3.pdf (24.07.2006)

For more information about training and workshops on the new General Equal Treatment Act, see section **on legal issues** (2.1.4. and 2.1.5.).

⁶⁰ The notion of explicitly expanding the diversity concept to ethnic and religious diversity is rather new at the *Commerzbank Frankfurt* and will be promoted further in the future. (Telephone interview with the leader of the *Commerzbank* Diversity Unit, Barbara David on July 31, 2006; Dillmann, K. (2006) “Ford lebt Diversity voll aus” in: AiD, Integration in Deutschland, Vol. 22; No. 2/06; p. 6)

⁶¹ Information (on request) given by Mrs. Nöth (Global Diversity Department, Deutsche Bank) on August 20, 2006.

unequal treatment violates Article 3 of the German Constitution as well as the European Convention on Human Rights. With a reference to the ruling of the Federal Administrative Court in June 2004⁶², the Stuttgart court rejected the possibility of appealing against its ruling.⁶³

2.6. Immigrants and minorities in trade unions

Trade unions have been open to immigrants from the beginning of the recruitment of labour migrants. Since the reform of the Industrial Relations Act in 1972 every foreign employee “regardless of the residence status enjoys the active and passive voting rights for the work councils, the central institution for the industrial co-determination”⁶⁴.

Currently, an estimated 700,000 to 800,000 members of trade unions are non-Germans, i.e. about 10% of the seven million union members. The exact number is unknown due to the fact that it is not mandatory for new union members to give information on their nationality.

2.7. Monitoring working conditions of migrants and minorities

No new official or unofficial body was set up in 2006 which monitors working conditions in Germany. The employers and the work councils are in charge of taking care of health and safety of the employees – supported by **specialised public authorities** (*Arbeitsschutzämter*) and the employers’ liability insurance associations (*Berufsgenossenschaften*). A special body monitoring working conditions does not exist in Germany.

The main **official data** on working conditions of employees refer to **shift work** and differentiate solely between Germans and non-Germans. In (March) 2004, 59.4% of all non-German employees did shift work compared to only 53.9% of the German employees. In comparison to the previous year (2003), the proportion increased for both German and non-German employees; at the same time the differences between both groups grew slightly smaller. The general increase in the number of the employees who do shift work is – also for both groups – due to the relative increase of Saturday shifts and evening shifts; the proportion of those who work on Sundays, evening or rotating shifts generally decreased. Foreign employees benefit more from this development: the proportion of those foreign employees who did these (more demanding) forms of shift work fell more significantly than among the German employees (see Table 5).

⁶² Germany / BVerwG / 2 C 45.03

⁶³ Verwaltungsgericht Stuttgart press release (07.07.2006) Stuttgart / VerwG / 18 K 3562/05 (07.07.2006). The State Minister for Education announced legal step against the ruling of the administrative court in Stuttgart (FR 12.07.2006, p.4)

⁶⁴ Cyrus, N. (2005) Active Civic Participation of Immigrants in Germany, p. 17, available at: www.uni-oldenburg.de/politis-europe/download/Germany.pdf#search=%22%22Active%20Civic%20Participation%20of%20Immigrants%20in%20Germany%22%22 (10.11.2006)

Table 5: Shift work, German and foreign employees in 2003 and 2004 (in March)

Employed persons	Shift work in total	Shift work in general *	...of which				
			Saturday	Sunday and/or public holidays	Evening shift	Night shift	Rotating shift
Foreigners (total number in 2004)	2,928	1,738	1,387	792	1,228	457	525
2003 (in %)	100	58.9	46.9	27.5	41.3	16,7	19.0
2004 (in %)	100	59.4	47.4	27.0	41.9	15.6	17.9
Germans (total number in 2004)	32.731	17.638	14.413	8.084	12.498	4.496	4.204
2003 (in %)	100	52.7	43.0	25.0	37.2	13.7	13.4
2004 (in %)	100	53.9	44.0	24.7	38.2	13.7	12.8

* Shift on Saturday, Sunday and/or public holidays, evening shift, night shift, rotating shift

Source: Federal Statistical Office⁶⁵

2.8. Policies and initiatives combating discrimination and improving integration in employment

2.8.1 Institutional policies and measures

The main change in the area of institutional policies combating discrimination in employment has occurred with the introduction of the **General Equal Treatment Act** (AGG). On the local level, the Munich Anti-Discriminations Agreement is to be mentioned.

Apart from these legal anti-discrimination policies there are institutional measures in place which aim at increasing the **employability** of migrants⁶⁶. The main institutional policies concerning the improvement of employability and labour market integration in Germany are based on two principles:

⁶⁵ Germany, Federal Statistical Office, Fachserie 1, Reihe 4.1.2, Tab. 22/23

⁶⁶ According to a recent parliamentary inquiry the government stated that the target group of occupational integration measures has been expanded recently from foreigners ("guest workers and their families") to all migrants with legally unlimited access to the labour market and a long-term perspective of staying in Germany (including naturalised people and ethnic German migrants) (Germany, Bundestag, printed matter 16/1088; 30.03.2006).

(1) The federal government (i.e. individual federal ministries) **provides financial support** for projects and initiatives striving for equal treatment, better employability and the improvement of relevant skills (e.g. within the large-scale programmes EQUAL; XENOS; BQF); many of these initiatives focus specifically on the target group of migrants.

(2) Foreigners and migrants benefit from **general support measures**, like training programmes and seminars aiming at reducing the risk of unemployment and (re-)integrating unemployed people – Germans *and* foreigners – into the labour market.⁶⁷

In two parliamentary inquiries on the access of migrants to the labour market and pertinent support measures, the federal government stated that the main obstacles for the labour market integration of migrants are “lacking or poor proficiency in German as well as deficits concerning their educational and occupational qualifications”. Accordingly, the federal state focuses on measures which aim at reducing these deficits. Since 2004, for instance, the Federal Ministry of Labour and Social Affairs has supported, in cooperation with the European Social Fund, “job-related measures to strengthen German language skills” with the aim of improving the employability of migrants. For the year 2006, some € 13 Mio have been allocated for these institutional measures targeting people with a migration background, for instance, the **ESF-BA Programme**⁶⁸ which provides, among others, support measures for migrants who receive unemployment benefit (according to SGB III). These measures seem quite successful: between January and August 2005, more than 68.000 migrants participated in this programme, 72.3% of them found a job within six months of completing the support measure.⁶⁹

The Federal Model Programme “**LOS – Local Capital for Social Purposes**”⁷⁰ coordinated by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth illustrates the principle that migrants benefit from general support measures: Since 2003, this programme has followed the goals of helping socially disadvantaged people to gain access and improve their situation on the labour market and at the same time to strengthen local (civil) structures; this aim is pursued by financially supporting numerous very small “micro-projects” organised by local associations, church communities, employers etc. With the allocation of additional € 12.5 Mio from the ESF the federal government was able to start a new round of support measures in 281 selected areas in June 2006 (until June 30, 2007). Since 2003, some 8,800 of these local “micro-projects” have been supported (each with up to € 10.000). Although this institutional funding measure of the federal government does not explicitly target migrants, migrants are overrepresented in the areas where these projects were supported; the proportion of foreigners in these areas stood at 18.8% – the general proportion of foreigners lay at 8.2%.⁷¹

Update on the large-scale support programmes XENOS and EQUAL

The German governmental programme “**XENOS – Living and Working in Diversity**”⁷² is a large-scale initiative which financially supports good practice projects that link labour

⁶⁷ Bethschneider, M.; Schwerin, Ch. (2006) „Kompetent mit Heterogenität umgehen“, in: FES (ed.) *Kompetenzen stärken, Qualifikationen verbessern, Potenziale nutzen. Berufliche Bildung von Jugendlichen und Erwachsenen mit Migrationshintergrund*, Bonn: FES, pp. 64-70 (here: p. 64)

⁶⁸ www.bmas.bund.de/BMAS/Navigation/Europa-International/Europa/Europaeischer-Sozialfonds-in-Deutschland/durchfuehrung-der-programme.html (28.07.2006)

⁶⁹ Germany, Bundestag, printed matters 16/1086 and 16/1088; both on 30.03.2006

⁷⁰ www.los-online.de (28.07.2006)

⁷¹ Germany, Bundestag, printed matter 16/1086 on 30.03.2006

⁷² XENOS is, apart from the support programmes CIVITAS and ENTIMON, the third element of the action program "Youth for Tolerance and Democracy – against Right-Wing Extremism, Xenophobia,

market-related integration measures with approaches to combating xenophobia and racism. Until the end of June 2006, the National Coordination Body of XENOS at the Federal Ministry for Labour and Social Affairs has allotted funding to 250 projects. The programme will expire in December 2006.

The **Community initiative EQUAL**⁷³ defines “employability” as one of five thematic fields within its support programme, and differentiates this field into:

- (a) Facilitating access and return to the labour market (among others aiming at migrants)
- (b) Combating racism and xenophobia

Within the first support period (2002-2005) 52 development partnerships (DPs) were funded in one of these two areas. In the second support period (EQUAL II) starting in 2005, the number of DPs in the field of “employability” has increased to 61; eight of these DPs particularly focus on combating racism and xenophobia (b).⁷⁴

2.8.2 Significant good practice initiatives

Due to the very high number of projects and initiatives which focus on the improvement of the **labour market integration** of migrants it appears difficult to choose the most significant ones. The following selection aims at reflecting the broad thematic spectrum of the projects ranging from positive recruitment practices in the civil service sector and the support for self-employed migrants to support projects for the special target group of qualified migrants and ethnic Germans.

Initiatives with the particular aim of fostering **equal treatment at the workplace** seem less common – apart from numerous training courses on the application of the anti-discrimination provisions laid down in the new General Equal Treatment Act (see chapter on legal issues).

Positive recruitment practices related to the public service and the police

The State of Berlin has strengthened its efforts to increase the proportion of migrants in the public service, including the Berlin police forces, with innovative measures. Although these initiatives primarily aim at encouraging young migrants to apply for an apprenticeship (not for a job!), they will be presented in the employment sector due to the fact that the long-term goal is to involve more migrants into the public service.

With the information and **promotion campaign “Berlin needs you!”** the State Commissioner for Integration in Berlin encourages young migrants to apply for vocational training (apprenticeship) in the public service (administration, police and fire service). Two versions of information leaflets, one addressing the young migrants themselves, the other one their parents, were published in six languages (Polish, Arabic, Vietnamese, Turkish, Russian and German); furthermore a website was set up.⁷⁵ The leaflets point out that the applicant “does not need a German passport” and that the proficiency in a “foreign language and the capability to mediate between people of different origins” is beneficial.

and Antisemitism” which was established by the German government. The association IDA, in cooperation with the specialised education unit of the German Federation of Trade Unions (DGB Bildungswerk), collected all materials and media which were produced within the framework of XENOS, ENMTIMON and CIVITAS supported projects. These materials (DVD, publications, teaching material, etc.) are now offered for rent online (www.migration-online.de/biblio_all.X19pbml0PTEmcGlkPTE3.html) (11.10.2006)

⁷³ www.equal.de/Equal/Navigation/Themen/beschaefigungsfahigkeit.html (11.10.2006)

⁷⁴ A further eight DPs particularly target asylum seekers with the aim of improving their occupational skills for the preparation of integration in their country of origin.

⁷⁵ www.berlin-braucht-dich.de (11.10.2006)

This campaign is coordinated by the **BQN Berlin**⁷⁶ and was initiated as a response to the findings of a BQN research study on the recruitment process. This expert study drew the conclusion that the low proportion of migrants in the civil service is, among others, a result of a low level of information of young migrants, their parents and teachers on the possibilities of vocational training in the civil service.⁷⁷

Apart from this information and promotion campaign, the **Berlin State police forces** aim at increasing the proportion of migrants. In October 2005, a specific preparatory training for migrants was conducted to level out potential qualification gaps (in cooperation with the Turkish Council in Berlin (TBB)⁷⁸ and – most recently – a large promotion initiative with newspaper ads and public posters was initiated to encourage migrants to apply for an apprenticeship with the police: The text in the advertisements reads as follows: “The Berlin police is particularly interested in applicants who have – if possible, mother tongue – language skills, especially in Turkish, Serbo-Croatian, Arabic, Polish or Russian”.⁷⁹

Within the framework of the federal support programme **BQF**, 15 young migrant women (between 16 and 23 years) who were interested in an apprenticeship in the public administration of Berlin received five-month courses (on German skills, maths, computer skills, but also communication skills, mother tongue competence, etc.) to prepare them for the application test and the future apprenticeship in the civil service. After they found an apprenticeship, the support and assistance continued for a further 23 months. In addition, their instructors were offered further training courses on intercultural competence. The goal of the project, which was carried out by the Berlin-based association TIO between January 2004 and April 2006, was not only to increase the proportion of migrants in the public administration, but also to contribute sustainably to more intercultural awareness in the public administration.⁸⁰

In the State of **NRW**, the State Government released the “**Action Plan Integration**” in June 2006 (see chapter on legal issues): This comprehensive Action Plan contains practical measures which shall be taken in the near future. For instance, the State government announced that young people with a migration background will be **encouraged to become**

⁷⁶ BQN stands for “Occupational Qualification Network”. It is part of the federal programme BQF (“Promoting competences – Occupation qualification for target groups with a special need for support”).

⁷⁷ www.bqn-berlin.de (01.08.2006); Ludwig, M.; Vogel, S. (2005) Expertise “Vorbereitung auf Einstellungstests”, Berlin: Berlin State Commissioner for Integration and Migration; available at: www.drybit.de/bqn_berlin/grafik/Expertise_Einstellungstests.pdf (01.08.2006); Schmidt-Fink, E. (2006): „Interkulturelle Öffnung“ (online document); available at www.isoplan.de/aid/index.htm?http://www.isoplan.de/aid/2006-2/interview.htm (11.10.2006)

⁷⁸ Those migrant who have completed a specific training measure for young migrants shall not be obliged to fulfil certain formal application criteria regarding the average high-school grade.

⁷⁹ www.berlin.de/polizei/beruf/ausbildung/index.html (11.10.2006);

The campaign seems to be successful: Among the 10,350 applicants 1,362 had a migration background. After those who did not meet to the minimum requirements were excluded, some 6,000 applicants, among them 627 migrants, remained for 300 open training positions (Diedrichs, O. (2006) Migranten rennen der Polizei die Tür ein, in: *taz Berlin lokal*, No. 7941, p. 21 (06.04.2006)). In the end, 21 applicants with a migration background were accepted and are about to start their apprenticeship in September 2006.

⁸⁰ www.tio-berlin.de/interkulturell.html (11.10.2006); www.good-practice.de/gp/suche.php?source=4&action=view&id=592 (11.10.2006)

teachers, and schools are called upon to encourage people with a migration background to apply for teaching positions.⁸¹

Guidelines for the recognition of foreign qualification certificates

Since August 2006, the NRW State Ministry for Integration has been offering a comprehensive guideline brochure on where and how migrants can have their foreign education and occupational qualification certificates officially recognised. These guidelines were developed to assist migrants by clarifying the recognition procedures, listing the bodies and organisations in charge and providing further information. The brochure is available online.⁸² This was selected as an innovative good practice because it strives for the improvement of labour market integration rather indirectly by addressing the well-known problem of the official recognition of certificates and qualifications acquired abroad which often hinders access to an appropriate position.

Examples for innovative EQUAL II supported projects

The nationwide **EQUAL** supported Network for Information and Counselling “Integration through Qualification” (*IQ*)⁸³, initiated by the Federal Ministry of Economics and Labour (BMWA) and the Federal Labour Agency in 2005, represents the largest network of organisations and projects in the field of labour market integration in Germany. IQ consists of six Development Partnerships (DPs)⁸⁴, which again encompass some twelve projects each; the 72 projects in total within the IQ network follow one or several of the following thematic objectives:

- Tailor-made counselling for migrants
- Profiling instruments for registration of individual competences
- Training in skilled crafts, technical and computer professions
- Job-related German courses
- Developments of coaching and counselling models for new entrepreneurs
- Human resource developments, e.g. concepts of diversity management

One of these projects within the DP NOBI⁸⁵ called **Q.net** (coordinated by the welfare organisation AWO in Bremen) will be briefly described here as an illustrative example.

Q.net applies a preventive approach with a special emphasis on the goal of increasing the participation rate of migrants in **further education and offers of trainings** in order to maintain their jobs. The project focuses particularly on supporting self-employed migrants, e.g. by enabling them to adapt professional personal management instruments and offering necessary training workshops. Within the project, a survey among Turkish and Russian speaking owners of small businesses in Bremen was conducted in 2006 to find out more about their specific needs for further training – with the aim of developing training programmes which fit the migrants’ needs. Simultaneously, the survey should contribute to more awareness of the importance of further training measures conducted in their own businesses. Based on the results of the survey, the development of specific offers of information was announced: for instance, an exchange forum involving business owners of

⁸¹ Nordrhein-Westfalen, Ministry for Generations, Families, Women and Integration, Land der neuen Integrationschancen – Aktionsplan Integration (27.06.2006); available at:

www.mgffi.nrw.de/pdf/integration/aktionsplan-integrationpdf.pdf (11.10.2006)

⁸² www.mgffi.nrw.de/pdf/integration/wegweiser-nrw.pdf (11.10.2006)

⁸³ www.intqua.de (11.10.2006)

⁸⁴ InBeZ, Integra.net, Kumulus-Plus, MigraNet, NOBI and Pro Qualification

⁸⁵ www.ep-nobi.de/front_content.php (11.10.2006)

different origins, business associations and representatives of relevant labour market institutions (e.g. Labour Agency).⁸⁶

The Hanover-based DP **ALBuM**⁸⁷, another EQUAL II supported project, consists of nine sub-projects which all aim at combating discrimination and the exclusion of migrations from the labour market. Apart from qualification measures for migrant employees (e.g. training on job-related German skills) or business owners with a migration background (e.g. further education programmes on how to set up or improve their human resources management), two ALBuM sub-projects are related to intercultural conflicts and misunderstandings in companies with a high proportion of migrant employees.

- In cooperation with the trade unions, representatives of the middle management (e.g. supervisor) and of the work council are offered a qualification programme to become **“Intercultural Commissioners”**, they are trained to prevent intercultural conflicts between employees, detect these problems at an early stage and mediate between the conflicting parties. This should prevent the emergence of culturally divided groups of employees and reduce ethnic prejudices and discrimination.⁸⁸
- Within the project **“Mediation between Cultures in the Company”**, employees who work in companies with a significant proportion of migrants receive comprehensive training on detecting and dealing with (intercultural) conflicts. The further training is offered to employees and executives and incorporates issues such as team building methods, conflict mediation and management.⁸⁹

Local project on assistance for migrants to open their own businesses

In 2005, the company KIZ, specialists in facilitating business start-ups, and the City of Offenbach launched the project *Start-Offenbach* which aims ‘to support migrant women who want to set up their own business. To recruit women for the project, a promotion campaign was developed which showed successful female migrant entrepreneurs from Offenbach.



*“Does an entrepreneur look like this? Yes!”
Promotion campaign for the project “Start Offenbach”*

⁸⁶ EQUAL NEWSLETTER, No. 16, May 2006, p. 13

On September 7, 2006, an expert workshop was conducted which brought these actors and bodies together to foster the exchange of information and experience. Furthermore, a group of migrants established the “Qualitreff”, a monthly meeting where migrants discuss their job-related experiences and exchange information on further education programmes (www.ep-nobi.de/front_content.php?idcatart=62&lang=1&client=1) (11.10.2006).

⁸⁷ ALBuM stands for “workplace-oriented learning and counselling with and for migrants”.

⁸⁸ This ALBuM project is coordinated by the organisation “Arbeit und Leben”.

⁸⁹ The seminars are organised by the adult education organisation “Bildungsverein”.

In early 2006, six information events were conducted to inform the target group about the project. In the meantime some 30 migrant women are being supported within the project: After a four-day training course on self-employment and business management, the women received assistance (through individual and group coaching, seminars etc.) in further developing their business ideas and creating a solid business plan within two months. Due to its cooperation with the German Microfinance Institute KIZ can also provide loans. The project is supported by the Levis Strauss Foundation with \$ 75,000 (about €62,500).⁹⁰

Project to support the labour market integration of qualified migrants

Whereas many integration projects for migrants aim primarily at improving the migrants' qualifications and skills, the project **MigPro – Initiative for Migrants and Aussiedler** (ethnic German migrants) target specifically unemployed, but qualified and motivated migrants with an academic background or experience as executive staff. Good German skills are a prerequisite. The project is coordinated by the LVQ cooperation and financially supported by the NRW State Ministry for Economy and Labour and with ESF means; it was launched in January 2006. After an initial assessment of the participant's knowledge and skills and a computer-based analysis of his potentials, the migrants receive a one-month tailor-made qualification programme including individual coaching. During this time, the participant is assisted in finding an appropriate "project company" where s/he will be responsible for carrying out a certain project; further qualification courses during the project work are optional. During the project work the employer has the chance to assess the migrant's qualifications; the final goal of the project is the conclusion of a firm work contract. The entire duration of the project for every individual participant is between six and nine months.⁹¹

The model project "**Cultural diversity as an impulse for development and growth**", which is supported by the Federal Ministry of Family Affairs, aims at making better use of the knowledge and competence of young women with a migration background on the regional labour market. In two model regions (Dresden and Cologne) working groups have been set up, each of them consisting of some 20 representatives of the (regional) economy, (occupational) advisory organisations and migrants self-organisations. The main goal of the project is to place migrant women in qualified job position and apprenticeships. The Catholic University for Applied Sciences NRW coordinates and evaluates the 18-month-long project. First results are expected for 2007; in 2008 the developed concepts and experiences are to be offered to other cities.⁹²

Charta for Diversity

The companies Deutsche Bank, DaimlerChrysler, Deutsche BP and Deutsche Telekom jointly signed the **Charta "Diversity as a chance"** in December 2006.⁹³ Within the framework of this initiative, which is supported by the Federal Government, the participating

⁹⁰ Brust, M. (2006) „Offenbacher Projekt weist Migrantinnen den Weg in die Selbstständigkeit“, in: *FR*, No. 48, 25.02.2006, p. 15; www.start-offenbach.de; www.levistrauss.com/Citizenship/LeviStraussFoundation/GranteeSpotlights/GranteeSpotlight5.aspx (11.10.2006)

⁹¹ www.lvq.de/Lvq-web/pdfs/LVQ%20-%20Migpro.pdf (11.10.2006)

⁹² Press release Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, 05.12.2006; www.kfhnw.de/zentrale/forschung/sp_auto_9772.php (04.01.2007)

⁹³ Press release, Federal Government 13.12.2006; the charta is available at: http://www.deutschebp.de/liveassets/bp_internet/germany/STAGING/home_assets/assets/deutsche_bp/vermischtes/131206_charta_unterschrieben.pdf (04.01.2007)

companies oblige themselves to acknowledge and promote diversity in their company⁹⁴. The Charta encompasses self-obligations such as:

- developing and strengthening a culture of mutual respect between all employees
- evaluating internal personnel processes taking into account the diverse capabilities and talents of the employees
- positively acknowledging and making use of diversity within and outside of the company and working towards the implementation of the Charta through internal and external dialogue
- publicly informing about activities and the progress concerning the promotion of diversity within the company.

Within this Charta, the representatives of the four companies aim at exchanging best practice with other companies, political and social actors. In 2007, more companies are expected to join the initiative.

⁹⁴ The concept of diversity as it is applied here covers the criteria of race, nationality, ethnic origin, religion, belief, gender, disability, age and sexual orientation.

3. Education

3.1 New sources of data

The most significant new source is the first official **National Report on Education**⁹⁵ published by the Consortium Reporting on Education (*Konsortium Bildungsberichterstattung*) commissioned by the Standing Conference (KMK) of the Federal State Ministers for Education and the Federal Ministry of Education and Research (BMBF). The report constitutes the introduction of a continuous national reporting scheme on the effectiveness of the German education system and provides data on the education of **people with migration background**.

3.2 Statistical data and information

3.2.1 Extreme right-wing incidents at school

In some federal states cases of extreme **right-wing** or right-wing extremist **incidents** at schools are registered. Some, such as Brandenburg, collect this information separately; others, such as Saxony and Saxony-Anhalt, provide this data as a specific analysis of the official statistics on politically motivated crimes.

In the school year 2005/2006, 53 incidents with a right-wing extremist background were registered at **Brandenburg** schools.⁹⁶ This constitutes the lowest number since the beginning of the registration of right-wing extremist crimes at schools in Brandenburg (2000/02: 257; 2001/02: 179; 2002/03: 117; 2003/04: 62; 2004/05: 80).

According to an inquiry in the Saxon Parliament, 151 incidents with an extreme right-wing background were counted in schools in **Saxony** in 2005. This represents an increase of about 50% compared to 2004. In 2004, 100 incidents with an extreme right-wing background were registered in Saxon schools.⁹⁷

According to the parliamentary inquiry in **Saxony-Anhalt**, 70 right-wing extremist incidents were committed in schools in 2005. Six of them were deemed to be anti-Semitic.⁹⁸

According to the annual reporting system on violent incidents at **Berlin schools**, during the school year 2005/2006, 80 of all 1,573 reported incidents were categorized as “**(right-wing) extremist incidents**”.⁹⁹ This represents an increase of 29% compared to the school year 2004/05 when 62 such incidents were registered. This increase is mainly due to the higher number of racist and xenophobic as well as right-wing extremist incidents. The Berlin Administration of Education traces this drastic increase of reported incidents back to the

⁹⁵ Germany, Consortium Reporting on Education (2006), *Bildung in Deutschland*, available at: <http://www.bildungsbericht.de/start.html> (25.08.2006)

⁹⁶ Response to an NFP-inquiry on the Brandenburg Ministry of Education (01.09.2006)

⁹⁷ Sachsen, Saxon Parliament, printed matter 4/5755 (21.08.2006); Sachsen, Saxon Parliament, printed matter 4/1170 (04.05.2005)

⁹⁸ Sachsen-Anhalt, Parliament of Saxony-Anhalt printed matter 4/2675 (06.03.2006)

⁹⁹ Berlin, Senatsverwaltung für Bildung, Wissenschaft und Forschung, Presse und Öffentlichkeitsarbeit (2006), *Gewaltsignale an Berliner Schulen 2005/2006*. Handout zur Pressekonferenz am 13.12.2006, Berlin, available at: http://www.berlin.de/imperia/md/content/sen-bildung/hilfe_und_praevention/gewaltpraevention/handout_gewalt.pdf (04.01.2007)

increased willingness of the schools to report such incidents and not predominantly to an actual quantitative increase in the number of such crimes (Table 6).¹⁰⁰

A differentiation of the incidents according to the **type of offence** reveals that 61.3% of the reported (right-wing) extremist incidents in Berlin schools in the school year 2005/06 were propaganda offences. The increase in extremist incidents in the school year 2005/06 is primarily due to the increase in cases of insults: in 2004/5 only three extremist incidents were categorised as insults; in 2005/06 15 such incidents were reported.

Table 6: Extremist incidents in Berlin schools according to motivation background in 2003/04, 2004/05 and 2005/06

School year	2003/04		2004/05		2005/06	
	number of incidents	in %	number of incidents	in %	number of incidents	in %
Anti-Semitic	5	<i>12.8</i>	8	<i>12.9</i>	7	8.8
Racist/xenophobic	3	<i>7.7</i>	9	<i>14.5</i>	19	23.8
Right-wing extremist	23	<i>59.0</i>	32	<i>51.6</i>	42	<i>52.5</i>
Incitement/agitation of the people: Anti-Semitic/xenophobic/right-wing extremist	6	<i>15.4</i>	8	<i>12.9</i>	6	7.5
Fundamentalist/Islamist	2	<i>5.1</i>	5	<i>8.1</i>	6	7.5
All extremist incidents reported	39	<i>100</i>	62	<i>100</i>	80	<i>100</i>

Source: Berlin / Senatsverwaltung für Bildung, Wissenschaft und Forschung, Gewaltsignale and Berliner Schulen

3.2.2. The situation of migrants in education¹⁰¹

General education – Micro census 2005

There are large disparities between the German and the foreign population regarding their educational attainments. In 2005, only 1.4% of all Germans between 25 and 65 years without a migration background did not have any **school leaving certificate**, but 18.5% of all foreigners in the same age group. Differentiating between certain migrant groups, however, the differences are even more striking: in 2005, 31.4% of the 25 to 65-years-old Turks did not have a certificate of general education whereas this proportion of all people with a migration background between 25 and 65 years “only” added up to 12.9%. However a significant improvement can be observed comparing Turks of the first generation (35.9%) to Turks of the second and third generations (8.9%).

¹⁰⁰ Press Release, Berliner Senatsverwaltung für Bildung, Wissenschaft und Forschung (13.12.2006)

¹⁰¹ An update of the latest statistical data on foreign pupils in the German educational system is not possible due to the fact that the official statistics on education for 2005 have not yet been published by the Federal Statistical Office.

Moreover, only 9.8% (2005) of all **Turks between 25 and 65 years** had passed A-levels, whereas 27.3% of all 25 to 65-year-olds **with a migration background**¹⁰² and 27.2% of all 25 to 65-year-olds Germans without a migration background have passed A-level. The group with the highest proportion of people with an A-level certificate were migrants from the EU-15-countries (in 2005, 47.6% of the 25 to 65-year-olds of this migrant group).¹⁰³

General education – official school statistics

The **proportion of non-German pupils** at schools providing a general education continually increased from 9.0% in the school year 1992/93 to 10.2% in 2004/05. However, in the school year 2005/2006 the proportion of foreigners in schools of general education decreased slightly to 9.8%.¹⁰⁴

Regarding the distribution of foreign pupils¹⁰⁵ according to different **school types**, the majority attend the *Hauptschule* (secondary modern school), whereas the majority of German pupils take classes in the *Gymnasium*. In contrast to the general trend in the previous years, the proportion of foreign pupils who attend the *Hauptschule* rose slightly from 33.4% in 2004/05 to 34.0% in 2005/06. The proportion of foreign pupils who take classes in the *Förderschule* (special needs school) remained on a high level and even rose slightly from 11.1% in 2004/05 to 11.5% in 2005/06. The proportion of foreign pupils who attend the *Realschule* (16.1% in 2004/05, 17.4% in 2005/06), and the *Gymnasium* (16.2% in 2004/05 and 17.9% in 2005/06) increased clearly compared to the previous year (Graph 3).¹⁰⁶

¹⁰² The category “people with migration background” includes foreigners, ethnic German migrants and other Germans with a migration background (i.e. naturalised persons or children of foreigners, naturalised persons or ethnic German migrants) (see: Germany, Federal Statistical Office, *Leben in Deutschland. Haushalte, Familie und Gesundheit – Ergebnisse des Mikrozensus 2005*. Press exemplar, p. 74; available: http://www.destatis.de/download/d/veroe/faltblatt/mikrozensus_2005.pdf (09.10.2006))

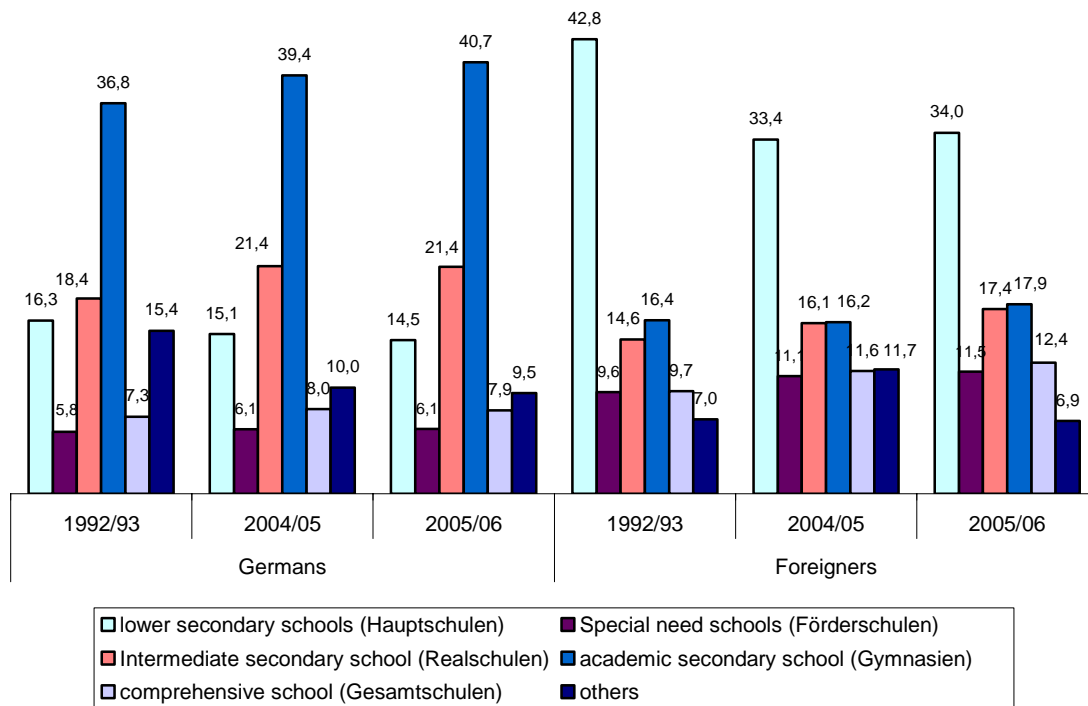
¹⁰³ Germany, Consortium Reporting on Education (2006), *Bildung in Deutschland*, tables H2-3A, H2-5web, available at: <http://www.bildungsbericht.de/zeigen.html?seite=4331> (25.08.2006)

¹⁰⁴ For a further differentiation according to selected school, see graph 2 in the annex.

¹⁰⁵ Without those pupils attending pre-school classes, nursery school or elementary school

¹⁰⁶ The proportion of foreign pupils decreased significantly in the category “other school types”. For a further differentiation according to selected nationalities, please see graph 4 in the annex.

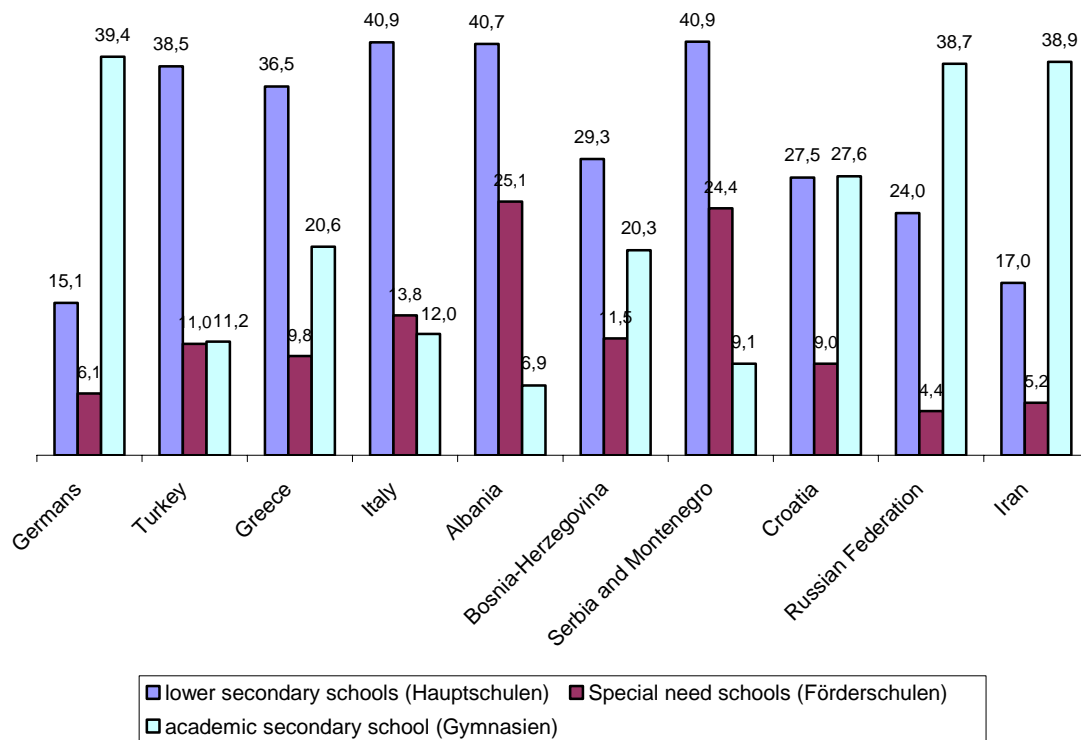
Graph 3: Distribution of German and foreign pupils according to different school types (not included pre-school classes, nursery school and elementary school) in the school years 1992/93, 2004/05, 2005/06



Source: Federal Statistical Office, Fachserie 11, Reihe 1, 2005/06

When differentiating according to nationalities, significant differences become apparent: 15.1% of all German pupils were enrolled in the *Hauptschule* in 2005/06. This proportion amounted to around 40% for pupils of Italian, Turkish, Albanian or Serbian-Montenegrin nationality. The latter were also extremely over-represented in the *Förderschule*: 25.1% of all Albanian pupils and 24.4% of all pupils with a Serbian or Montenegrin nationality attended the *Förderschule* in 2005/06. Whereas the proportion of pupils with Russian nationality and Iranian nationality nearly reached the proportion of the Germans: 38.7% of the Russian pupils and 38.9% of the Iranian pupils were enrolled in the academically oriented *Gymnasium* in the school year 2005/06 (see Graph 4).

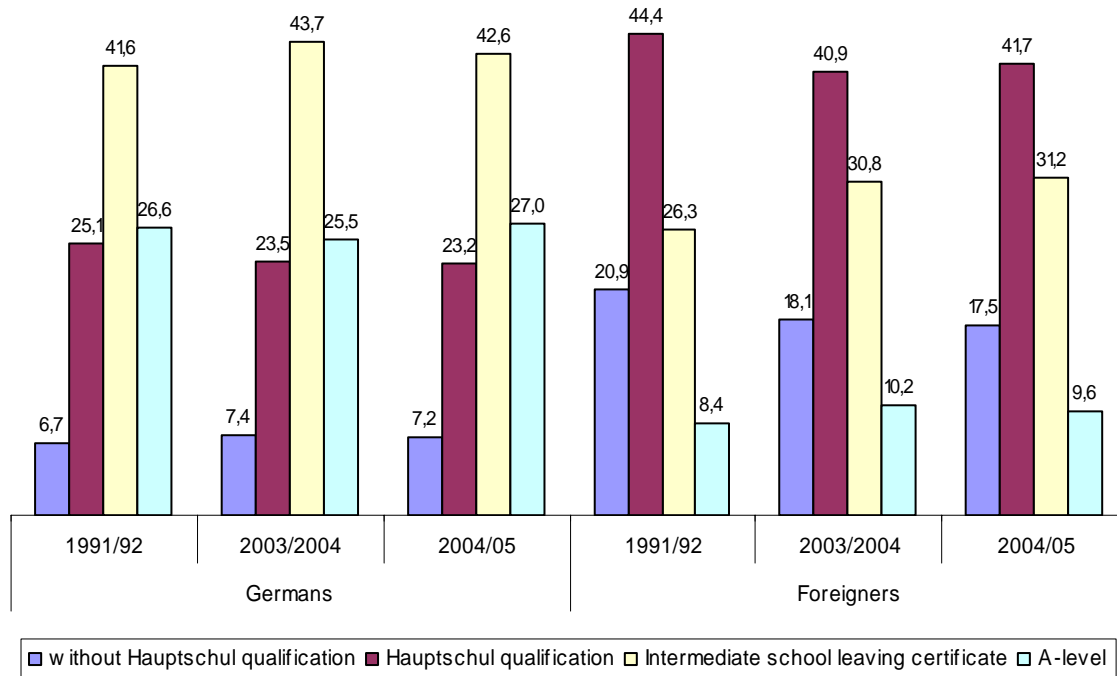
Graph 4: Distribution of pupils of different nationality according to different school types (not including pupils who attend pre-school, nursery school or elementary school)



Source: Federal Statistical Office, Fachserie 11, Reihe 1, 2005/06

The **leaving certificates** (Graph 5) also reflect the disparities between Germans and foreigners, though a positive trend can be observed: more and more foreign pupils achieve higher qualifications (A-level or Intermediate certificate). The proportion of those non-Germans who leave school without any certificate has slowly, but continuously decreased (20.9% 1991/92; 18.1% 1998/99, 17.5% in 2005/06).

Graph 5: Qualifications achieved by German and foreign pupils upon leaving schools providing a general education 1992, 1998 and 2005



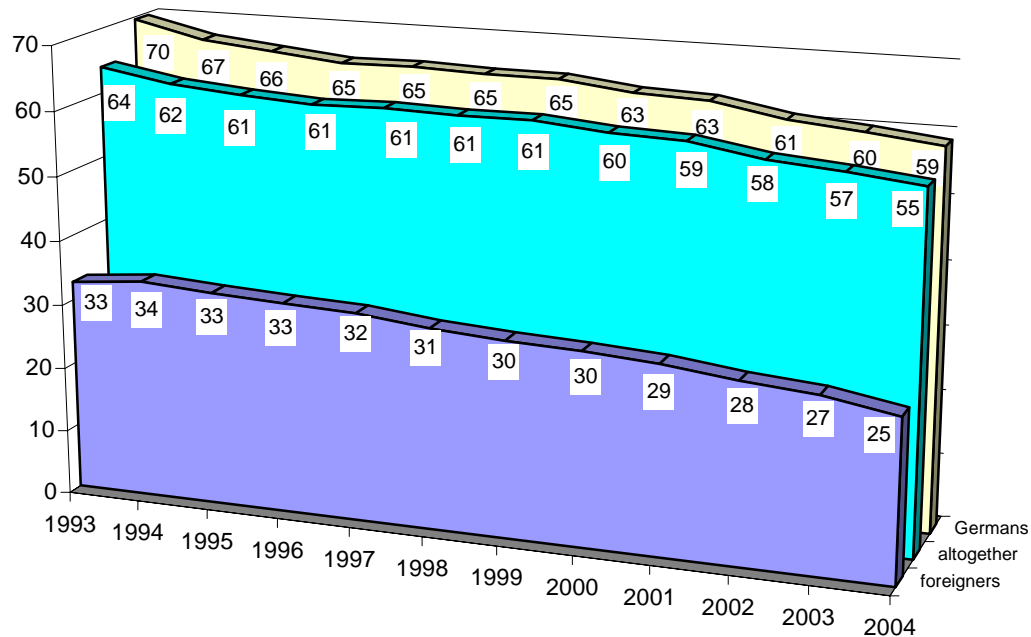
Source: Federal Statistical Office, Fachserie 11, Reihe 1, 2005/06

Apprenticeships in the dual system

Since 1993, the proportion of young people who are doing an apprenticeship (apprenticeship quota) has **dropped continuously** for Germans and non-Germans. In 2004, the quota of foreigners was **much lower** (25.2%) than among Germans (58.8%), as was always the case during the period under analysis (Graph 6).¹⁰⁷

¹⁰⁷ BIBB (2006), Schaubilder zur Berufsbildung. Strukturen und Entwicklungen, chart 3.2, available at: http://www.bibb.de/dokumente/pdf/a22_ausweitstat_schaubilder_heft-2006.pdf (28.09.2006)

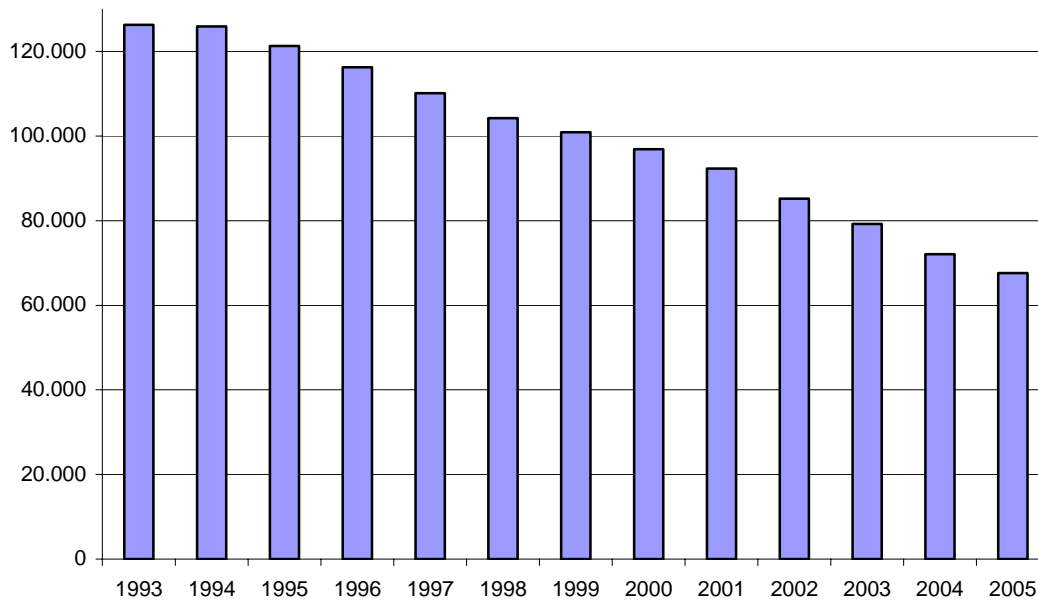
Graph 6: Apprenticeship quota (Germans, foreigners and general rate), 1993-2004



Source: BIBB

The **absolute number** also shows a diminishing trend which refers to both groups of foreigners and Germans. Whereas the number of foreigners involved in an apprenticeship in the dual system (apprentices) decreased by 46.5% from around 126,000 in 1993 to around 68,000 in 2005 (Graph 7), the number of Germans in this category only decreased by 1.1% in the same period (1993: 1,503,029; 2005: 1,485,835).

Graph 7: Apprenticeships of foreigners



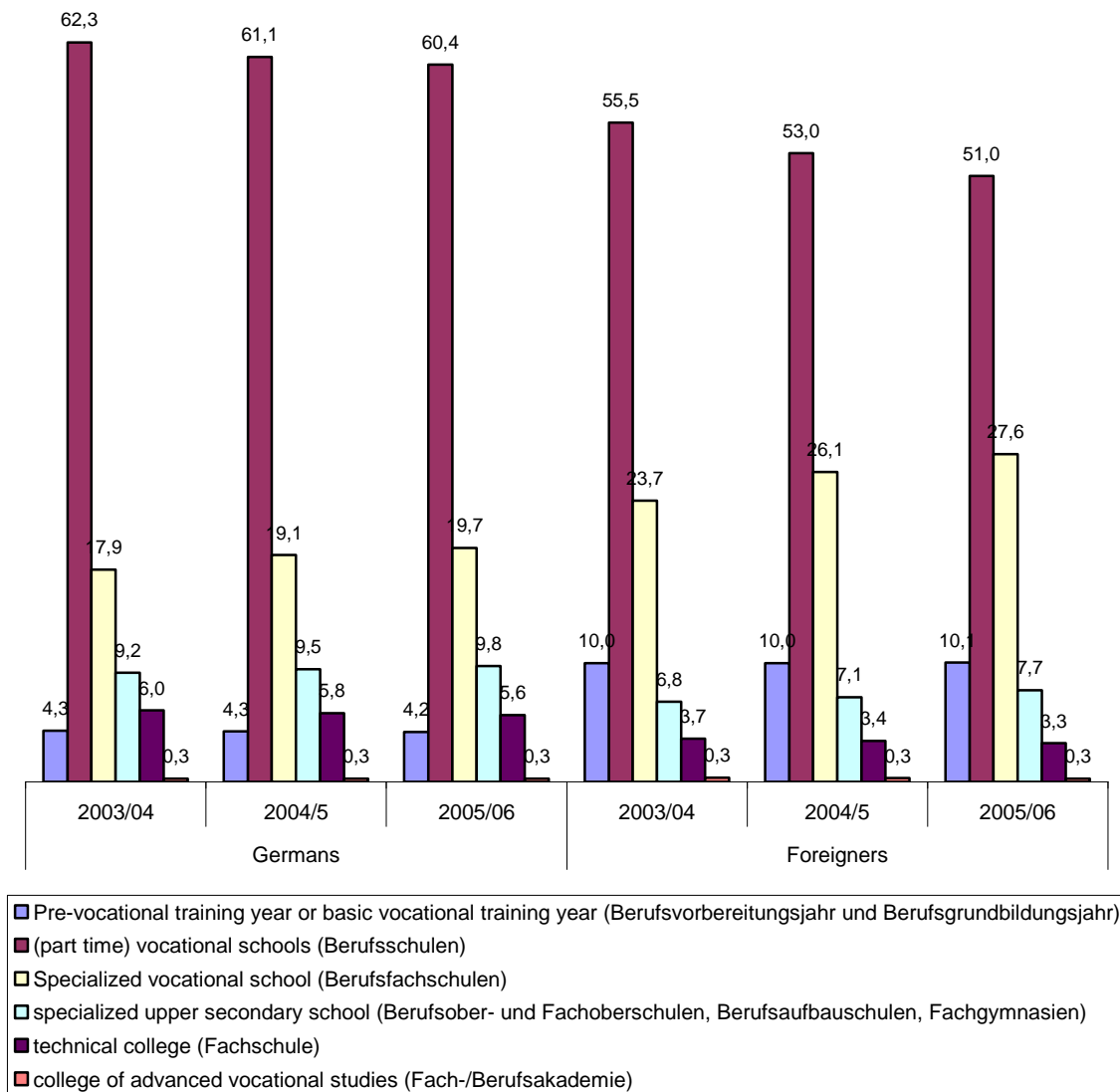
Source: Federal Statistical Office, Fachserie 11, Reihe 3, Tabelle 2.5

The **proportion of foreigners of all apprentices** continued to drop from almost 8% in 1993 to 4.6% in 2004 and to 4.4% in 2005 (Table 25 in the annex).¹⁰⁸

For Germans, the **proportion of pupils in a vocational school** who attend part-time vocational school as part of their (dual) apprenticeship decreased from the school year 1992/93 to the school year 2004/05 by about 7.7 percentage points. For foreigners this decline amounted to 13.6 percentage points. At the same time, the proportion of all foreigners at vocational schools who attend a pre-vocational training year or a basic vocational training year remained at 10.1% (Germans: 4.2%) (Graph 8).

¹⁰⁸ Germany, Federal Statistical Office, Fachserie 11, Reihe 3, Tab. 2.5

Graph 8: Distribution of Germans and foreigners in the main types of vocational school



Source: Federal Statistical Office, Fachserie 11, Reihe 2, 2005/06

Looking at the apprentices according to the **fields of training** one can see that foreigners are over-represented in **craft professions** and liberal professions (Table 26 in the annex). Especially in the public service sector only a very low number of foreign apprentices are registered. The number of foreigners dropped most in the field of craft professions: In 1999 around 41,000 foreigners did an apprenticeship in the field of craft professions, this number decreased to 24,205 in 2005. Even in the field of industry and trade, where the Germans gained some training places, the number of foreigners involved in an apprenticeship in this field decreased from 46,308 in 1999 to 32,211 in 2005.

As a result of this the importance of craft professions decreased for foreigners while the relevance of apprentices in the field of **industry and trade** increased. The proportion of foreigners of all trainees with a foreign nationality in the field of craft professions dropped from 40.5% in 1999 to 35.8% in 2005. In the same period, however, the proportion of all

foreign apprentices in the field of industry and trade increased from 45.9% to 47.6% in 2005.¹⁰⁹

The proportion of those 20- to 29-year olds who **have not completed any vocational training successfully** (i.e. unskilled workers) is much higher among foreigners than among Germans. However, a slight improvement in the qualification of migrants can be observed: The proportion of unskilled workers among young foreigners decreased from 1996 (40.1%) to 2004 (36.6%) by 3.5 percentage points. By contrast, the proportion of unskilled workers among young Germans increased in the same period by about 0.8 percentage points (1996: 10.5%; 2004: 11.3% unskilled young Germans).¹¹⁰

These disparities between Germans and foreigners are also reflected in **older population groups**. In 2005, 46.6% of all 25 to 65-year-olds foreigners did not have a vocational qualification. This proportion is three times higher than the proportion of Germans without a migration background in the same age group (13.2%). The group with the highest proportion of unskilled people (without a vocational qualification) are the Turks. In 2005, 68.2% of all 25 to 65 year-olds Turks did not have a vocational qualification.¹¹¹

University

Between the winter term (WS) 1993/94 (7.2%) and the term 2005/06 (12.5%) the proportion of foreign students of all students enrolled at German universities has increased by about 5.3 percentage points. This increase is mainly due to the increase of foreign students who come from abroad to study in Germany (*Bildungsausländer*). Only 3 % of all students enrolled in German universities in WS 2005/2006 were non-German students who had obtained their university entry qualification in a German school (*Bildungsinländer*) (Table 7).¹¹²

Regarding the **proportion of the population with a university degree**, the differences between Germans and foreigners are relatively slim. In 2005, 13.7% of all foreigners between 25 and 65 years and 15.9% of all Germans between 25 and 65 years without a migration background had a university degree. Regarding the low proportion of *Bildungsinländer* in Germany, the proportion among second and third generation migrants appears more striking: 18.5% of second and third generation migrants from the EU-15 countries, but only 5.8% of second and third generation Turks had a university degree in 2005.¹¹³

¹⁰⁹ Germany, Federal Statistical Office, Fachserie 11, Reihe 3, Tab. 2.5 und 2.1

¹¹⁰ Germany, Federal Ministry of Education and Research, Berufsbildungsbericht 2006, p. 142, available at: http://www.bmbf.de/pub/bbb_2006.pdf#search=%22Berufsbildungsbericht%202006%22 (05.10.2006)

¹¹¹ In 2005, 73% of the first generation of Turks and 44.2% of the second and third generation of Turks did not have a certificate of a vocational qualification. Germany, Consortium Reporting on Education (2006), *Bildung in Deutschland*, tables H2-3A, H2-5web, available at: <http://www.bildungsbericht.de/zeigen.html?seite=4331> (25.08.2006)

¹¹² Germany, Federal Statistical Office, Bildung und Kultur. Studierende an Hochschulen Wintersemester 2005/2006, Fachserie 11, 4.1

¹¹³ Germany, Consortium Reporting on Education (2006), *Bildung in Deutschland*, tables H2-3A, H2-5web, available at: <http://www.bildungsbericht.de/zeigen.html?seite=4331> (25.08.2006)

Table 7: Foreign students at German universities (winter term 1993/94 to winter term 2005/2006)

Term	Total number of students	Foreign students (<i>Bildungsin- und ausländers</i>)	Proportion of foreign students	<i>Bildungs- inländer</i>	Proportion of <i>Bildungs- inländer</i>
winter term (WS) 1993/94	1,867,264	134,391	7.2	47,641	2.6
WS 1994/95	1,872,490	141,460	7.6	48,851	2.6
WS 1995/96	1,857,906	146,472	7.9	48,083	2.6
WS 1996/97	1,838,099	152,206	8.3	52,173	2.8
WS 1997/98	1,824,107	158,474	8.7	54,758	3.0
WS 1998/99	1,801,233	165,994	9.2	57,209	3.2
WS 1999/2000	1,773,956	175,140	9.9	62,257	3.5
WS 2000/2001	1,799,338	187,027	10.4	61,313	3.4
WS 2001/2002	1,868,666	206,141	11.0	63,355	3.4
WS 2002/2003	1,939,233	227,026	11.7	63,813	3.3
WS 2003/2004	2,019,831	246,136	12.2	65,830	3.3
WS 2004/2005	1,963,589	246,334	12.5	59,678	3.0
WS 2005/2006	1,986,106	248,357	12.5	58,907	3.0

Source: Federal Statistical Office (Fachserie 11, Reihe 4.1, Tab. 1.1 and 12)

3.3 Reports and studies

The first official **National Report on Education “Education in Germany”**¹¹⁴ is a data-supported analysis of education in Germany. On the basis of appropriate indicators and guided by the idea of ‘education during the course of one’s life’ the report provides data on education and care in early childhood, on general education and non-formal learning, vocational education, university and further education as well as learning during adulthood. Therefore the report systematises data and results of various studies concerning education in Germany such as PISA and IGLU, for example, and databases from different institutions and research institutes like the statistical offices. The latest data source is the micro census 2005.

Each time the report is published, one chapter focuses on a special topic. This time the **education of migrants** is analysed in detail. Due to the fact that the micro census collected data on the migration background (and not only on nationalities) for the first time, the *National Report on Education* is the first reliable database on this topic. Selected results are presented in chapter 3.2.

As the results of the PISA studies in 2000 and 2003 caused a great stir throughout Germany, the findings of the special analysis of the **PISA 2003** study published by the **OECD** in 2006¹¹⁵ were received with great interest. The most important statement confirms the striking

¹¹⁴ Germany, Consortium Reporting on Education (2006), *Bildung in Deutschland*, available at: <http://www.bildungsbericht.de/start.html> (28.08.2006)

¹¹⁵ OECD (2006), Where immigrant students succeed – A comparative review of performance and engagement in PISA 2003, OECD briefing note for Germany, available at:

disparities between pupils with migration backgrounds and those without migration backgrounds. Germany shows the largest disparities between second-generation students and their native peers. Second-generation students perform even worse than foreign-born students although they have gained their whole education in Germany.

The miscellany **‘Professional integration and plural society’**¹¹⁶ is based on the experiences collected during the project VERSUS¹¹⁷ and comprises articles by many notable authors on the topic of integration of people with an Italian origin in Germany. The report mainly focuses on integration into the vocational training system, its problems and ways to solve them. While some articles are project-related, others deal with the integration of students with an Italian background in general. Furthermore, some general studies on (all) foreigners point out common problems in the context of occupational integration. Amongst others, the study by Granato analysis the **unequal prospects for success of students with a migration background for occupation integration** and highlights different approaches on how to explain the low chances of those young people to become involved in the vocational training system. Based on empirical analysis, the author concludes that a young person with a migration background has significantly lower chances to find a place in vocational training than someone without a migration background with the same level of school attainment.¹¹⁸

The AKI Research Review **“Migration Background, Minority-Group Membership and Academic Achievement”** presents a compilation of psychological research results (mostly conducted in the USA) and highlights three major factors which are assumed to be of relevance in the German context for the explanation of the educational situation of migrant pupils:

- *“Stereotype threats”*: Negative stereotypes linking poor intellectual skills to migrants can have an impact on the performance of migrant pupils – in the short term, during testing and, in the long term, in reducing the interest of migrants in their academic accomplishments.
- *“expectancy effects”*: Teachers’ low expectancies about the capabilities of their migrant pupils often occur as self-fulfilling prophecies and, in this way, affect the quality of the academic achievement of migrants.
- *“ability grouping with curricular differentiation”*: By differentiating between lower and higher-achieving pupils, Germany’s three-tiered system of secondary education is likely to increase the achievement gap between immigrants (who are over-represented in the lower-achieving group) and the others.

As measures to overcome these mechanisms, the report suggests cooperative learning programmes, school policies and practices that highlight diversity and the employment of well-qualified educators with an immigrant background with the aim of creating conditions in which immigrant students do not fear potential bias. For reducing the negative

http://www.oecd.org/document/7/0,2340,en_2649_37455_36703111_1_1_1_37455,00.html
(28.08.2006)

¹¹⁶ Libbi, M., Bergmann, N., Califano, V. (eds.) (2006) *Berufliche Integration und plurale Gesellschaft. Zur Bildungssituation von Menschen mit italienischem Migrationshintergrund in Deutschland*, Düsseldorf: DGB Bildungswerk e.V.

¹¹⁷ See Update of the National Report 2005 (RAXEN 6, Rapid Response No. 4)

¹¹⁸ Granato, M. (2006) „Ungleichheiten beim Zugang zu einer beruflichen Ausbildung. Entwicklungen und mangelnde Perspektiven für junge Menschen mit Migrationshintergrund“, in: Libbi, M., Bergmann, N., Califano, V. (ed.) *Berufliche Integration und plurale Gesellschaft. Zur Bildungssituation von Menschen mit italienischem Migrationshintergrund in Deutschland*, Düsseldorf: DGB Bildungswerk e.V., pp. 125-144

“expectancy effects”, measures appropriate for changing the behaviour of teachers towards migrant pupils should be realised. Therefore, professional development activities (e.g. further training) should be offered to the teachers aiming at motivating them to use challenging material and providing hints instead of quickly “giving up”. Furthermore, the report recommends creating more heterogeneous schools and classrooms with regard to the pupil’s initial ability and family background. Since de-tracking of the German educational systems is not probable, the report suggests raising the quality of curricular content and pedagogical practice in schools where migrant pupils are heavily represented.¹¹⁹

The AKI Discussion Paper **“Ethnic Discrimination in the German school system”** focuses on ethnic discrimination in teacher assessments of migrant pupils in German elementary schools by evaluating several recent empirical studies. The results of the evaluation indicate that teachers do not systematically discriminate in their performance assessments. The report argues that educational disadvantages of migrant pupils primarily result from social rather than from specific ethnic inequalities.¹²⁰

Within the framework of the **7th Multi-Topic Survey**, conducted by the *ZfT*¹²¹ among people of Turkish origin in NRW in 2005, the interviewees were asked about their opinion about the reasons why migrant children came off badly in the PISA study: 35.3% hold that one reason is discrimination in schools by teachers. 25.3% agreed with the statement that teachers do not respond to the needs of Turkish children enough. 55.8% considered that parents cannot support their children like other parents do because they are lacking the necessary preconditions and are not sufficiently educated themselves. 44.2% thought that parents do not care enough about the education of their children and leave their education to the school. 44.1% attributed the poor German language proficiencies of the children to being the main reason for the deficient results of foreign pupils in the PISA study.¹²²

The qualitative research study **“Integration with reservations”**¹²³, analysing the perspectives of young adults (aged 19-26) with a migration background regarding their integration in German society, shows that the majority of the 16 interviewees feels discriminated against. According to objective criteria (e.g. their German proficiency or educational achievements) they are considered to be well-integrated. Due to experiences of “everyday racism”, however they feel as if they did not completely belong to German society.

¹¹⁹ Schofield, J.W. (2006) Migration Background, Minority-Group Membership and Academic Achievement. AKI Research Review No. 5, available at: http://www.wz-berlin.de/zkd/aki/files/aki_research_review_5_Schofield_engl.pdf (24.11.2006)

¹²⁰ Kristen, C. (2006) Ethnische Diskriminierung im deutschen Schulsystem? Theoretische Überlegungen und empirische Ergebnisse. Discussion Paper Nr. SP IV 2006-601: Berlin, available at: http://www.wz-berlin.de/zkd/aki/files/kristen_wzb_dp_iv06-601.pdf (05.01.2006)

¹²¹ See also chapter on employment in this report.

¹²² Goldberg, A.; Sauer M. (2004) Türkischstämmige Migranten in Nordrhein-Westfalen. Stand der Integration. Einstellungen und Meinungen. Inanspruchnahme von Unterstützung bei der Erziehung. Ergebnisse der 7. Mehrthemenbefragung, Duisburg-Essen: Stiftung ZfT, p. 180, available at: <http://www.bastianhofmann.de/UserFiles/File/NRW%202005-Bericht5.pdf> (08.01.2007)

¹²³ Schramkowski, B. (2006) Integration unter Vorbehalt. Perspektiven junger Erwachsener mit Migrationshintergrund. Beiträge zur Regional- und Migrationsforschung, Band 8, Frankfurt am Main: IKO-Verlag

3.4. State provisions for minority and multicultural education

The responsibility for the education system in Germany lies with the federal states. Therefore, no nationally standardized legal provision for minority/multicultural education exists. However, some federal states passed new legal provisions, mainly addressing pre-school language support programmes, language support measures during school and Islamic education at state schools.

Pre-school language support measures

In most federal states pre-school language support courses are offered – usually based on preceding language tests. Those programmes differ concerning their mandatory character, their duration and whether those children who do not reach a sufficient level of proficiency within the programme can be obliged to start school later.

In **North Rhine-Westphalia (NRW)**¹²⁴ and **Hamburg**¹²⁵ the state school laws were amended to the effect that pre-school language courses are made mandatory from the school year 2006/2007 in the case of children with insufficient German proficiency. In the case of **NRW**, it was decided to test the language development of pre-school children two years before school enrolment, beginning in 2007. If the language skills are insufficient and the child does not receive language support in a day nursery, the child is obliged to attend a pre-school language course. The State government decided to provide more financial means to these programmes (increase from €7.5 to €17.6 million) in 2006.¹²⁶ In **Lower-Saxony**, a decree from the Ministry of Education in June 2006 prolonged the language support measures to one year before school enrolment from the school year 2006/2007.¹²⁷ The federal state of **Baden-Württemberg** enacted an administrative regulation for financial support for, amongst others, pre-school language support measures. The means shall mainly be spent on children with a migration background.¹²⁸ **Schleswig-Holstein** developed a comprehensive bill to advance the state school system. Among other things the new school law contains regulations on mandatory pre-school language courses in the case of insufficient language proficiency.¹²⁹

Similar provisions are in force in other federal states. A list of federal state provisions for pre-school language support measures is presented in the **annex**.

Special Classes

Special classes for migrant pupils with insufficient German proficiency exist in most federal states. Migrant pupils are referred to these classes only for a limited period of time with the intention of improving their German skills more effectively and thus fully integrating them into the regular classes again.

¹²⁴ Nordrhein-Westfalen, Zweites Gesetz zur Änderung des Schulgesetzes für das Land Nordrhein-Westfalen (27.06.2006)

¹²⁵ Hamburg, HmbGVBl. S. 243 und HmbGVBl. 376, 378 (06.07.2006)

¹²⁶ Nordrhein-Westfalen, Ministry for Generations, Families, Women and Integration, Land der neuen Integrationschancen – Aktionsplan Integration (27.06.2006); available at: www.mgffi.nrw.de/pdf/integration/aktionsplan-integrationpdf.pdf

¹²⁷ Niedersachsen, Sprachfördermaßnahmen vor der Einschulung, Erl. d. MK v. 1.3.2006 - 32 - 80107/4 - VORIS 22410; available at: http://cdl.niedersachsen.de/blob/images/C17578730_L20.pdf (10.10.2006)

¹²⁸ Baden-Württemberg, BABl. 5/2006, S. 283

¹²⁹ The bill will be introduced in parliament for the two readings in October 2006 and January 2007 and is planned to come into force in February 2007. http://landesregierung.schleswig-holstein.de/coremedia/generator/Aktueller_20Bestand/MBF/Pressemitteilung/PDF2006/SchG_20Synopse.property=pdf.pdf (10.10.2006)

This is also true for the intensive classes and intensive courses were introduced by the **Hessian Ministry of Education** most recently (school year 2006/2007).¹³⁰ Recently immigrated pupils with insufficient German skills are obliged to attend intensive classes¹³¹, whereas school subjects like music and sports are taught together with all the other pupils. In addition, the State government increased the financial means for support measures for pupils with a migration background from annually €40 million to €45 million with the start of the school year 2006/2007.¹³²

Additional support

The federal state of **Bavaria** expanded its language support measures by enacting a regulation on homework support measures with the focus on German language support. In the context of a model project, young immigrants in elementary or secondary modern schools who attend special classes are enabled to obtain financial support for extracurricular homework classes that focus on language lessons.¹³³ A similar administrative regulation was enacted by **Baden-Württemberg**. The instruction provides allowance for extracurricular homework, language and learning classes.¹³⁴

Islamic Education

In contrast to instruction in Christian religions, Islamic religious education is not a regular subject in any federal state as a part of the regular curriculum in state schools in the sense of Art. 7 (3) Basic Law. To date, the federal states have launched various model projects on Islamic instruction.

The state government in **Schleswig-Holstein** agreed upon a concept of Islamic instruction whose implementation is planned from the school year 2007/2008. The project will be launched in eight elementary schools.¹³⁵

From the school year 2006/2007 **Baden-Württemberg** has introduced Islamic instruction in the first and second grade at twelve elementary schools. The classes not only impart knowledge on Islam, but also function as Islamic religious instruction where the Islamic faith is taught.¹³⁶

In **Lower-Saxony** Islamic instruction has been offered since 2003/2004 at a current total of 19 primary schools.¹³⁷ From 2006/2007 the project was expanded. In addition, the Ministry for Science and Culture of Lower-Saxony approved a new Master's degree in Teaching Methodology of the Islamic religion (*Islamische Religionspädagogik*) at the University of Osnabrück.¹³⁸

¹³⁰ Press release Ministry of Education Hessen (11.07.2006)

¹³¹ In case such intensive classes cannot be realised due to the fact that there are not enough pupils in need of additional support in one school, the pupils have to attend courses outside of school.

¹³² www.kultusministerium.hessen.de/irj/HKM_Internet?cid=f2fd9845270981331a9685a4756782ec (24.08.2006)

¹³³ Bayern, Az.: V 4/ 6123/2/06 (9. Januar 2006); available at: www.stmas.bayern.de/migration/hausaufgaben/ha-richtlinie.pdf (11.10.2006)

¹³⁴ Baden-Württemberg, BABl. 5/2006, S. 283

¹³⁵ Press release Ministry of Education and Women Schleswig-Holstein (26.04.2006)

¹³⁶ In the case of Baden-Württemberg: Sunnite-oriented and Alevi-oriented education; press release Ministry of Education, Youth and Sports Baden-Württemberg (05.09.2006)

¹³⁷ Like in Baden-Württemberg, Islamic instruction within this model project does not only aim at imparting knowledge on Islam but also at teaching the Islamic religious instruction.

¹³⁸ Press release State Chancellery Niedersachsen (14.01.2006)

Participation of immigrants or minority members as teachers or educators

Data on people with a migration background working as teachers or educators do not exist in Germany. As official statistics only differentiate between nationalities, we will present in the following data on teachers with a foreign nationality and foreign students enrolled in teacher (university) training. The latter can be an indicator for potential teachers with a foreign nationality.

In the school year 2004/2005 5,363 of the 740,711 teachers at schools of general education in Germany had a foreign nationality (0.7%).

In **Bavaria**, 1,066 teachers or 0.99% teachers of a foreign nationality worked in schools in the school year 2004/2005.¹³⁹

In the school year 2005/2006, 1,472 out of 168,040 teachers or 0.8% of all teachers in **North Rhine-Westphalia** were not of German nationality¹⁴⁰

In **Saxony** only 52 out of 49,495 teachers (0.1%) were non-Germans in the school year 2005/2006¹⁴¹

In the university term 2005/2006 6,276 foreign students (3,233 of them had passed their A-levels in Germany – i.e. *Bildungsinländer*¹⁴²) were enrolled in **teacher training** courses at a German university.¹⁴³ Thus, 3.1% of all students in teacher training in Germany were foreign students and 1.6% *Bildungsinländer*.¹⁴⁴

3.5 Religious symbols in schools

In September 2003, the Federal Constitutional Court ruled that state governments are entitled to ban Muslim teachers from wearing a headscarf at state schools provided the state legislature has passed a sufficiently clear legal foundation. As a consequence, eight federal states passed provisions banning teachers from wearing religious symbols in school between 2004 and 2006: Baden-Württemberg, Bavaria, Berlin, Bremen, Hesse, Lower Saxony, NRW, Saarland.¹⁴⁵

¹³⁹ www.km.bayern.de/km/schule/statistik/bildung/einzeln2005/index.shtml (11.10.2006)

¹⁴⁰ Nordrhein-Westfalen, Ministry for School and Further Education: Migranten im Schulwesen in NRW. Schuljahr 2005/2006, Tab. 7.2

¹⁴¹ Sachsen, Saxon Parliament, printed matter 4/6137 (27.09.2006) and Statistical Office of the Free State of Saxony, www.statistik.sachsen.de/21/07_00/07_00_infoliste.asp (05.10.2006)

¹⁴² Press release: Verband Bildung und Erziehung (VBE) (28.09.2006), available at: http://www.vbe.de/uploads/media/03_-_Statement_Eckinger.pdf (04.10.2006)

¹⁴³ Germany, Federal Statistical Office, Fachserie 11, Reihe 4.1, TAB-03

¹⁴⁴ It is not possible to identify the number of naturalised students in teacher training. We anticipate that their number is at least as high as for *Bildungsinländer*.

In order to overcome this lack of teachers with a migration background some federal states like Berlin or North Rhine-Westphalia run campaigns to attract migrations to the teaching profession. In the North Rhine-Westphalian “Action Plan Integration”, the State government announced that young people with a migration background will be encouraged to become teachers (Nordrhein-Westfalen, Ministry for Generations, Families, Women and Integration, Land der neuen Integrationschancen – Aktionsplan Integration (27.06.2006); available at: www.mgffi.nrw.de/pdf/integration/aktionsplan-integrationpdf.pdf (11.10.2006))

¹⁴⁵ A very comprehensive overview including links to relevant legislation is provided on the following website: www.uni-trier.de/index.php?id=7524&print=1 (31.10.2007)

In **Baden-Württemberg** the ban on teachers wearing headscarves¹⁴⁶ is expanded on educators in kindergartens. In February 2006, the parliament decided to prohibit headscarves in all kindergartens run by public institutions such as the federal state or the municipality.¹⁴⁷

3.6 Policies and initiatives combating discrimination and improving integration in education

3.6.1 Institutional policies and measures

Integration courses

The nationwide integration course programme constitutes one of the most significant policies and measures aiming at integrating migrants and improving their educational attainment in 2006. Within the new Immigration Act having been in force since January 1, 2005, integration courses are seen as precondition for a successful integration process (§§ 43, 44, 44a Residence Act (*AufenthG*)).¹⁴⁸ The integration courses comprise basic and intermediate **language courses** (600 hours), as well as **orientation courses** (30 hours). The integration courses aim at imparting knowledge of the German language as well as knowledge regarding the everyday life and especially knowledge concerning the legal system, the culture and the history of Germany. In 2005, 208 million Euros were allocated for the integration courses from the budget of the Federal Ministry of the Interior. In 2006 the budget was reduced to 141 million Euros.¹⁴⁹ The Federal Office for Migration and Refugees is responsible for the curricula, the organisation and monitoring the conducting of the courses. In March 2006, 1,729 private and public organisations conducted such integration courses.¹⁵⁰

Eligible for integration courses are foreigners who have already been living in Germany for a while, newly immigrated foreigners with a residence permit of more than one year and ethnic German migrants as well as citizens of the European Union. Foreigners who are not capable of articulating themselves in German at all can be obliged to take part in an integration course if they cannot find a job due to their poor language skills and therefore are welfare recipients or if they are especially in need of integration measures. The courses can be finished with a (non-compulsory) exam.

¹⁴⁶ The administrative court in Stuttgart decided in July though that the school authority cannot ban Muslim teachers from wearing a headscarf in class while nuns are allowed to wear their habits as is the case in Baden-Württemberg. This ruling may also have an impact on the discrimination against Muslim teachers in other states like Lower Saxony or Bavaria which passed similar amendments to their school laws in the past. See more in chapter 2.2.6.

¹⁴⁷ Baden-Württemberg, Gesetz zur Änderung des Kindergartengesetzes (02.02.2006)

¹⁴⁸ www.bamf.de/cln_042/nn_565356/SharedDocs/Anlagen/DE/Integration/Downloads/Integrationskurse/Kurstraeger/Sonstiges/grafische-uebersicht-zum-integrationskurs.templateId=raw.property=publicationFile.pdf/grafische-uebersicht-zum-integrationskurs.pdf (16.08.2006)

¹⁴⁹ Budget title: chapter 0633, title 648 02, see: German parliament printed matter 16/750 (17.003.2006), available at: <http://dip.bundestag.de/btd/16/007/1600750.pdf> (16.08.2006)

¹⁵⁰ www.bamf.de/cln_042/nn_565184/SharedDocs/Anlagen/DE/Integration/Downloads/Integrationskurse/Kurstraeger/Statistiken/fot-quartalsstatistik.templateId=raw.property=publicationFile.pdf/fot-quartalsstatistik.pdf (16.08.2006)

In 2005, 115,158 people participated in an integration course; of them 17,482 sat an exam – 69% graduated successfully.¹⁵¹ During the first three months of 2006, 133,194 people took part in an integration course. In 2007 the Federal Government will submit a report to the German Parliament concerning the results of the ongoing evaluation.¹⁵²

Additional vocational training places for migrants

The continuously decreasing **apprenticeship quota** of foreigners has provoked several measures in 2006 aiming at improving the vocational situation of migrants.

Some federal states (e.g. Berlin¹⁵³ and North Rhine-Westphalia¹⁵⁴) launched new projects which strive to improve the ability of migrants to take up an apprenticeship *during or after regular school education*, thus improving their chances of finding an apprenticeship. The City and federal State of **Hamburg** (on a regional level) and the **Federal Labour Agency** (on the national level) created *additional vocational training places* for migrants by implementing crash programmes.

In April 2006, representatives of the Senate of **Hamburg**, the Chamber of Commerce, the Chamber of Crafts, the Labour Union, the Labour Agency and several representatives of companies located in Hamburg signed an “action plan for the integration of young migrants in labour and apprenticeship in Hamburg”¹⁵⁵. All the undersigned manifest their will to provide more vocational training places for migrants. The first tangible result is the “**crash programme vocational training 2006**” aiming at supporting the efforts of the economy to provide more vocational training places.

Within this programme the City and Federal State of Hamburg financially support

- 784 additional vocational training positions
- 85 positions for work experience (preparation for an apprenticeship or a job)
- 100 additional positions within the programme “qualification and work for school leavers” (Qualifizierung und Arbeit für Schulabgänger - QuAS)

¹⁵¹ www.bamf.de/cln_042/nn_565184/SharedDocs/Anlagen/DE/Integration/Downloads/Integrationskurse/Kurstraeger/Statistiken/fp-jahresbilanz-kurse-2005,templateId=raw,property=publicationFile.pdf/fp-jahresbilanz-kurse-2005.pdf (16.08.2006)

¹⁵² In 2006 the Federal Office for Migration and Refugees published the results of a representative survey among participants of the integration courses. They were asked about their qualification level, their judgement of, and their expectations and wishes regarding the integration courses.

Germany/Federal Office for Migration and Refugees (2006), *Integrationskurse – erste Erfahrungen und Erkenntnisse einer Teilnehmerbefragung*. Working Papers 5/2006.

¹⁵³ In August 2006 the Administration Department for Economy, Work and Women of the Senate of Berlin (Senatsverwaltung Wirtschaft, Arbeit und Frauen) passed the special programme “1,000 migrants”: In the next two years 1,500 young migrants will participate for 6 months in qualification courses which should prepare them for vocational training. (see: *Der Tagesspiegel online*, (25.07.2006), available at: <http://www.tagesspiegel.de/jugend/archiv/25.07.2006/2677283.asp> (22.08.2006))

¹⁵⁴ The Office of Political Education of North Rhine-Westphalia in cooperation with the Chamber of Crafts Münster conducts the project “14-plus: social and occupational integration of young people from immigrated families”. Initially, pupils in three schools with a high proportion of migrants who attend year 7 are specially prepared for the exigencies after school. (see: Press release Office of Political Education NRW, 15.08.2006, available at: <http://www.lzpb.nrw.de/wir/presse/00059/index.html> (22.08.2006))

¹⁵⁵ Germany, Hamburg (2006) Aktionsplan zur Integration junger Migrantinnen und Migranten in Arbeit und Ausbildung in Hamburg, available at: <http://fhh.hamburg.de/stadt/Aktuell/pressemeldungen/2006/april/05/2006-04-05-pr-migranten-aktionsplan,property=source.pdf> (21.08.2006)

- 140 vocational training positions which will be acquired and filled by vocational training agencies.

The programme is additionally supported by federal means of the consortium Hamburg (ARGE Hamburg)¹⁵⁶. The target group of this programme is disadvantaged young people in general, but with a special focus on young migrants.¹⁵⁷

On the national level, the **Federal Labour Agency** started a crash programme for young migrants in August 2006. Within the crash programme 5,000 external training positions were financed in 2006 and a further 2,500 will be financed in 2007. These external training positions are created for young migrants who applied for a regular apprenticeship without success and who will not have any chance of finding a regular apprenticeship.¹⁵⁸

The additional external training positions are part of the labour market instrument “apprenticeships provided by organisations outside the workplace” (*Berufsausbildung in außerbetrieblichen Einrichtungen*) **BaE** in the realm of the support for disadvantaged young people in vocational education.¹⁵⁹ The organisations which conduct the **BaE** are in charge of the theoretical education and the social and pedagogic support of the attendees whereas the practical part of the apprenticeship takes place in cooperation companies, as they are termed.

Support programme “Garantiefonds-Hochschulbereich”

The **new Immigration Act** marks the starting point of an immigration policy which supports the immigration of highly qualified migrants. Since the language knowledge attainable in the integration courses is not sufficient for higher education, additional integration measures aiming at facilitating access to the labour market for highly qualified migrants have gained political attention.¹⁶⁰ One of the most important integration measures of the Federal Government in this field are measures financed by means of the “**Garantiefonds-Hochschulbereich**”, as they are called, according to the respective directive (Richtlinie für den Garantiefonds-Hochschulbereich RL-GF-H). In 2005, € 21.5 Mio were allotted to the programme.¹⁶¹ Measures within the “Garantiefonds-Hochschulbereich” aim at supporting

¹⁵⁶ Such consortiums between the Labour Agency and municipality are set up to implement the “Hartz IV” law, as it is known, which contains new rules concerning the placing in work of social welfare recipients.

¹⁵⁷ Press release, City and Federal State of Hamburg, 18.08.2006, available at: <http://fhh.hamburg.de/stadt/Aktuell/pressemeldungen/2006/august/18/2006-08-18-bwa-sofortprogramm-ausbildung.html> (22.08.2006)

¹⁵⁸ Press release, Federal Labour Agency, 15.08.2006, available at: http://www.arbeitsagentur.de/vam/vamController/CMSConversation/anzeigeContent?navId=219&category=presse_info&docId=114117&rqc=32206131109&ls=false&ut=0 (17.08.2006)

¹⁵⁹ In December 2004, in total, 73,028 people participated in a *BaE*; 4,480 of them were foreigners. From 2005 to 2006 the monthly numbers of participants in a *BaE* strongly decreased; in July 2005 58,175 took part in a *BaE*, 16,102 more than in July 2006 (42,073). For the years 2005 and 2006 the data available on the webpage of the Federal Labour Agency are not differentiated according to foreigners and Germans anymore. <http://www.pub.arbeitsamt.de/hst/services/statistik/detail/f.html> (17.08.2006)

¹⁶⁰ On June 2006, several members of the German parliament (Bundestag) and the parliamentary group of the Liberal Party (FDP) started a small inquiry to the Federal Government concerning the measures conducted within the “Garantiefond Hochschulbereich”. <http://dip.bundestag.de/btd/16/015/1601569.pdf> (21.08.2006)

¹⁶¹ Germany, Federal Government (2005) *Integrationsaktivitäten des Bundes. Bestandsaufnahme im Rahmen der Interministeriellen Arbeitsgruppe Integration*, p. 112 available at: http://www.bamf.de/cln_043/nn_705812/SharedDocs/Anlagen/DE/Integration/Downloads/Integrationprogramm/bestandsaufnahme-integrationsaktivitaeten-bund.templateId=raw.property=publicationFile.pdf/bestandsaufnahme-integrationsaktivitaeten-bund.pdf (12.10.2006)

young qualified migrants who want to begin studying at university in Germany continue their studies or seek employment appropriate to a completed university degree.

The Federal Ministry of Family Affairs, Senior Citizens, Women and Youth is in charge of the programme but it is the Otto Benecke Stiftung e.V. (OBS)¹⁶² which awards grants and conducts the measures according to the directive (RL-GF-H). Eligible for measures within the framework of the “Garantiefonds-Hochschulbereich” are

- ethnic German migrants,
- recognised asylum-seekers,
- people with a permanent residence permit according to article 23 paragraph 2 Residence Act (§ 23 Abs. 2 AufenthaltG) (e.g. contingent refugees) and
- people with protection from expulsion according to article 60 paragraph 1 Residence Act (§ 60 Abs.1 AufenthG),

who are younger than 30 years.¹⁶³

Grants are available for the following measures:

- German language courses¹⁶⁴
- Courses to achieve qualification (A-level) to take up university studies¹⁶⁵
- Measures to take up a profession if an academic degree has been acquired in the applicant’s country of origin (academic programme¹⁶⁶)
- Seminars to prepare for and accompany university studies (university studies programme).¹⁶⁷

Additionally, the Otto Benecke Stiftung e.V. provides comprehensive counselling on education and employment planning.

The support programme “Garantiefonds Hochschulbereich” has been operating since 1972. Until now around 250,000 migrants have benefited from this programme.¹⁶⁸ In the last three years around 5,800 scholarship holders have been supported each year.¹⁶⁹ On average, 75% are ethnic German migrants and 25% contingent refugees. The number of recognised asylum-seekers under the scholarship holders decreased strongly in 2005 (13) compared to the previous years (2004: 71, 2003: 56).¹⁷⁰

¹⁶² The Otto Benecke Stiftung e.V. (OBS) is a charitable organisation founded in 1965 upon the initiative of the German student associations at the Technical University in Berlin. It carries out its activities by order of the German Federal Government. <http://www.obs-ev.de/index.html> (17.08.2006)

¹⁶³ The initial application must be submitted within two years of entering Germany, for those qualifying for asylum within one year of receiving their travel papers. As a rule, the allocation of funds ends after 30 months of financial assistance, at the latest by the 60th month after entering Germany.

¹⁶⁴ The language courses last around 6 months, are conducted by around 10 different public and private language teaching organisations and end with an exam required for university education.

¹⁶⁵ For example, special training courses which take two years or study colleges which last for one year, see: Otto Benecke Stiftung e.V.(2005) Garantiefonds Hochschulbereich, available at: <http://www.obs-ev.de/pdf/Garantiefonds.pdf> (17.08.2006)

¹⁶⁶ The academic programme actually addresses academic migrants between 30 and 50 years and is supported by the Federal Ministry of Education and Research.

¹⁶⁷ Therefore teams of students offering assistance and confidential university teachers at 27 different universities are available for counselling on issues surrounding the university and studying.

¹⁶⁸ Response to an inquiry of the German NFP on the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (11.09.2006).

¹⁶⁹ Scholarship holders by the “Garantiefonds Hochschulbereich”: 2003: 5,877; 2004: 5,832; 2005: 5,826.

¹⁷⁰ Germany, Bundestag printed matter 16/1741 (02.06.2006), available at: <http://dip.bundestag.de/btd/16/017/1601741.pdf> (17.06.2006)

3.6.2. Significant initiatives

Online tool to analyse the intercultural cooperation of apprentices

In January 2006, the German Youth Institute (Deutsches Jugendinstitut, DJI)¹⁷¹ started a new XENOS¹⁷² project called “Encouraging the self-help of firms providing apprenticeships concerning the analysis and improvement of the intercultural cooperation between their apprentices”.¹⁷³

The project is financed by the **XENOS prize**¹⁷⁴ “Support for Tolerance and Understanding in Firms by Science-Practice Transfer”. With this prize the Federal Ministry of Economics and Labour (BMWA), the employers’ association *Gesamtmittel* and the European Social Funds rewarded the best scientific approach with financial support of €200,000 in October 2005. The project will be completed by the end of 2007 and aims at enabling **small and middle-sized firms** providing apprenticeships to analyse the intercultural cooperation among their apprentices autonomously, quickly and for free.

For this purpose, the DJI develops an **online questionnaire** for apprentices on a freely accessible web page asking about their intercultural comprehension, their interethnic contacts, their cooperation and their satisfaction with their everyday-working life. The data will be automatically analysed, so that the enterprise can access the results by “pressing a button”. The development of the intercultural relationships amongst the apprentices can be monitored by repeating the survey from time to time. The tool cannot merely reveal the need for measures which improve intercultural cooperation, but also evaluate the effects of conducted measures. The project responds also to the needs of **demographic developments**: i.e. the growing number of young migrants looking for an apprenticeship and the decreasing supply of German manpower.¹⁷⁵

¹⁷¹ The German Youth Institute was founded in 1963 by Germany’s Lower House of Parliament (Bundestag) and, to date is the largest non-university institute in the field of children, youth, women and family. (<http://www.dji.de/cgi-bin/projekte/output.php?projekt=491>, 07.08.2006)

¹⁷² “XENOS - Living and Working in Diversity” was set up in late 2000 as part of the action programme “Youth for Tolerance and Democracy - against Right-Wing Extremism, Xenophobia, and Antisemitism” established by the Federal Government. The initiative XENOS pursues the aim of fighting xenophobia and intolerance by providing funding to projects that link labour market-related integration measures with approaches to combating xenophobia and discrimination.

¹⁷³ „Förderung der Selbsthilfe von Ausbildungsbetrieben zur Analyse und Verbesserung der interkulturellen Zusammenarbeit unter Auszubildenden“, Application for the XENOS prize, available at: www.dji.de/9_dasdj/welcomesite/dateien/news_0510_1_xenos_text.pdf (07.08.2006)

¹⁷⁴ Call for Tender, XENOS prize; available at: www.xenos-de.de/Xenos/Redaktion/Medien/Anlagen/2005-04-21-ausschreibung-xenos-preis.property=pdf.pdf (07.08.2006)

¹⁷⁵ This project is supplemented by other XENOS projects conducted by the DJI aiming at developing measures which improve the intercultural relationships on an operational level: The XENOS project “apprentices and young employees are getting active” (*Auszubildende und junge ArbeitnehmerInnen werden aktiv!*) started in January 2003 and was completed in March 2006 with the publication of a handbook for companies on strategies and measures supporting the intercultural relationship of apprentices (Bednarz-Braun, I., U. Bischoff (2006) *Interkulturalität unter Auszubildenden im Betrieb. Ein Handreichung für die betriebliche Praxis*, München: Deutsches Jugendinstitut). For more information see <http://www.dji.de/cgi-bin/projekte/output.php?projekt=224> (07.08.2006). In January 2006 another new XENOS project started called “interethnic relationships between young and elderly skilled workers in large companies” (*Interethnische Beziehungen zwischen jungen und älteren FacharbeiterInnen in Großbetrieben*). For more information see www.dji.de/cgi-bin/projekte/output.php?projekt=409 (07.08.2006).

Intercultural workshop in school classes

The project “Coloured Glasses - Tolerance workshops for school classes”¹⁷⁶ was initiated by the NGO “Youth for Understanding Committee e.V.” (YFU¹⁷⁷), which focuses on international youth exchanges. In 2001, the YFU conducted “Colored Glasses” as a pilot project within the framework of the European Volunteer Service Programme¹⁷⁸. But it was only in 2003 that volunteers from YFU conducted the first Tolerance workshops in Berlin and Brandenburg. Since 2004 *Coloured Glasses* has been an independent project, conducted by former YFU programme participants or other young people with intercultural experiences¹⁷⁹.

In 2004, *Coloured Glasses* was awarded €1,000 in the competition *Active for Democracy and Tolerance*¹⁸⁰ by the *Bündnis für Demokratie und Toleranz*.

The main objective of the Coloured Glasses project is to give pupils and teachers of all school types the idea of “changing their perspective”. The workshop modules focus on different topics in the field of intercultural education: stereotypes and prejudices, ethnocentrism, mechanisms of discrimination, intercultural encounter and reflections about the meaning of culture.

Between 2004 and 2005, 50 workshops were conducted. In 2005, *Coloured Glasses* was represented in six federal states¹⁸¹, 70 volunteers were engaged and organised in six regional groups. The management team coordinates *Coloured Glasses* nationwide.

Special tuition for children and young people with a migration background

Within the framework of a **special tuition project** of the Mercator Foundation, children and young people with a migration background who attend grade five to ten (lower and intermediate secondary education¹⁸²) are given **extra-curricular** support with the German language and with their schoolwork for two to four hours per week in small groups (3-7 participants) educated by students studying for the teaching profession. The aim of the extra-curricular tuition is to improve the young people's education opportunities and to help them to gain better or higher qualifications. For the pupils, the special tuition is free and they

¹⁷⁶ www.coloredglasses.de (11.08.2006)

¹⁷⁷ <http://www.yfu.de/> (11.08.2006)

¹⁷⁸ The European Voluntary Service (EVS) is part of the YOUTH programme, a European Union programme that promotes the mobility of young people through international activities with a non-formal education dimension such as youth exchanges, voluntary services, youth initiatives and training of youth workers. (http://ec.europa.eu/youth/program/sos/vh_evs_en.html, 11.08.2006)

¹⁷⁹ “Colored Glasses” is financially supported by the national agency responsible for the action programme YOUTH of the European Union (<http://www.jugendfuereuropa.de/> (11.08.2006)) and since 2005 by the non-profit organisation “Aktion Mensch” in the framework of the programme “5000xZukunft” (<http://www.5000xzukunft.de/> (11.08.2006)) as well as by the Bavarian Youth Ring (Bayerischer Jugendring) in the realm of the j.a.m.b.u.s. project (<http://www.jambus.bjr.de/> (11.08.2006))

¹⁸⁰ Aktiv für Demokratie und Toleranz; www.buendnis-toleranz.de/cln_029/nr_580192/SharedDocs/Publikationen/Anlagen/AktivFuerDemokratiePreistraeger2004.templateId=raw.property=publicationFile.pdf/AktivFuerDemokratiePreistraeger2004.pdf (11.08.2006); www.toleranzworkshops.de/downloads/jahresbericht05.pdf (11.08.2006)

¹⁸¹ Saxony, Saxony-Anhalt, Lower Saxony, Bavarian, North-Rhine Westphalia, Rhineland-Palatine

¹⁸² Comprising secondary modern schools (Hauptschulen), intermediate secondary schools (Realschulen) and the junior classes of comprehensive schools (Gesamtschulen) and grammar schools (Gymnasien) etc.

participate voluntarily in principle even though – in some locations – the parents have signed an agreement.¹⁸³

The special tuition concept was developed at the University of Essen over 30 years ago and became successfully established there. Since the year 2000 it has been funded by the **Mercator Foundation**, which decided in June 2004 to put the project out to tender nationally. In the meantime projects which follow the Essen model are being funded at a total of 35 locations¹⁸⁴, where more than 5,200 children attend the special tuition. They are taught by more than 950 students.

At each location the project is realised by a **university** and (in most cases) several **cooperation partners** like the city, associations and/or foundations. The Mercator Foundation supports these model projects with 6.6 million Euros¹⁸⁵ for the duration of three years.¹⁸⁶

The universities have the task to **coach** the students and provide teaching material. Therefore the project does not only aim at improving the proficiency of migrant pupils but also at preparing the students for their later teaching and adapting the education of teachers at universities to the current requirements. In 2006, the Foundation decided to extend the special tuition for migrant pupils who attend years 11 to 13 (upper secondary education)¹⁸⁷ in all 35 locations. For this purpose the Foundation provided a further 3.4 million Euros. Since 2005, the *European Forum for Migration Studies* (efms) has been scientifically monitoring and **evaluating** the project (until 2008).¹⁸⁸

Holocaust education

Holocaust education is an integral element of the curricula of all school types in Germany¹⁸⁹. Additionally, various school-related projects and initiatives have been conducted which aim at raising awareness on the Holocaust and anti-Semitism; many of these projects deal more generally with NS history.¹⁹⁰

Some initiatives strive for assisting, among others, teachers in dealing appropriately with the issues of Holocaust and anti-Semitism, for instance, the Summer University on Anti-Semitism (see chapter on racist violence) or the comprehensive website on Holocaust education, described in the following.

¹⁸³ Schüler, B. (2006) „Der neugierige Blick in eine fremde Welt“, in: *Das Parlament*, Vol. 56, No. 11, p 16

¹⁸⁴ www.mercator-foerderunterricht.de/foerderunterricht/cms/front_content.php?client=1&lang=1&idcat=10&idart=55&m=&s= (07.08.2006)

¹⁸⁵ Each project location can be supported with a maximum of 180,000 Euros.

¹⁸⁶ The means of the foundation can only be utilised for the remuneration of the student teachers (10 Euro per hour). As a precondition, further costs have to be covered by other means. In 13 project locations cooperation could be established with the large-scale national model programme “Support of Children and Young People with a Migration Background” (FörMig) (see Special Study 2006).

¹⁸⁷ Comprising the senior classes of comprehensive schools (Gesamtschulen) and grammar schools (Gymnasien) plus vocational schools and technical colleges etc.

¹⁸⁸ <http://web.uni-bamberg.de/~ba6ef3/prinevue.htm> (07.08.2006)

¹⁸⁹ German Parliament, printed matter 15/5149 (2005) p. 3

¹⁹⁰ The German-Polish initiative “Weiße Flecken” (“white spots”) is one example for these NS-history-related projects. Based on the research work of 15 teams of German and Polish pupils (e.g. media analysis, interviews with contemporary witnesses), a pupils’ magazine was compiled which uncover journalistic gaps (“white spots”) regarding selected local events during the NS regime (www.step21.de; (11.10.2006)).

In 2000, the website www.holocaust-education.de was set up by the association “**German Fund for Cultural Education**”¹⁹¹ supported by the Goethe Institute¹⁹², the Holtzbrinck Publishing Group¹⁹³, the Federal Foreign Office¹⁹⁴ the Federal Office for Political Education¹⁹⁵ and the European Commission. This website provides an insight into the work being done by schools and non-school learning groups educating about the Holocaust in Germany. The website wants to fill the **gap of knowledge** regarding Holocaust education in Germany. Even though the Holocaust is an obligatory topic for German pupils, there is no comprehensive information on how Holocaust education is currently handled in the German “classrooms”.

The website is conceived as an **information pool** for German educators and teachers as well as for an international teaching community. Therefore, besides the German version of the website, there is a version in English, Spanish and Polish available on the internet.

The website is a follow-up of the project “**Learning from History**” started in 1997.¹⁹⁶ Within the framework of this project, experts from Germany and the United States compiled 50 “Holocaust education projects” by schools, memorial sites and other organisations in Germany. These selected projects were presented on a CD-ROM.¹⁹⁷ However, the website www.holocaust-education.de does not only include all the information of this CD-ROM but is a continuation and interactive expansion of this project. It provides the opportunity to submit **new projects** by filling in a form. Most of the projects are presented by the teachers. A committee of experts finally decides which new projects will be added.

Compared to the CD-ROM, the projects cover a **wider range** of projects, e.g. Holocaust related fields, such as forced labourers and expulsion but also projects targeting contemporary problems like anti-Semitism and right-wing extremism. A more **international** perspective is provided under the category “European Forum” where information on educational activities in neighbouring European countries is available.¹⁹⁸ Furthermore, the website informs about current publications, events, conferences and further training seminars in the field of Holocaust education.

So far, the website www.holocaust-education.de is one of the most comprehensive **information sources** regarding activities, projects and materials on holocaust education in Germany.¹⁹⁹

¹⁹¹ Fördergesellschaft Kulturelle Bildung e.V., <http://www.kulturelle-bildung.de/> (08.08.2006)

¹⁹² <http://www.goethe.de> (08.08.2006)

¹⁹³ <http://www.holtzbrinck.de> (08.08.2006)

¹⁹⁴ <http://www.auswaertiges-amt.de> (08.08.2006)

¹⁹⁵ <http://www.bpb.de> (08.08.2006)

¹⁹⁶ <http://www.kulturelle-bildung.de/> (08.08.2006)

¹⁹⁷ Brinkmann, A., et al. (eds.) (2000) Lernen aus der Geschichte: Projekte zu Nationalsozialismus und Holocaust in Schule und Jugendarbeit. Ein wissenschaftliches CD-ROM-Projekt mit Begleitbuch, Bonn: ARCult Media Verlag

¹⁹⁸ These activities were presented at the European workshop “Learning from History. European experiences with projects on National Socialism and the Holocaust in schools and non-school educational settings”, Berlin, 28-29 August 2005, which was supported by the European Commission, the Federal Office for Political Education, and the Georg Eckert Institute for International Text Book Research.

¹⁹⁹ OSCE/ODIHR (2006) *Education on the Holocaust and on Anti-Semitism. An Overview and Analysis of Educational Approaches*. Warsaw, pp. 85, 131

4. Housing

4.1. New sources of data

The most important new data sources concerning **discrimination in housing** are the documentations of complaints on discrimination by antidiscrimination bodies. In 2006, the following bodies have analysed the cases of their advisory services and published figures of complaints on discrimination in the field of housing:

- The Anti-discrimination Office in Cologne (ADB Köln)²⁰⁰
- The Anti-discrimination Body of the State Capital Hanover²⁰¹
- The Body for Complaints on Discrimination of the State Capital Munich²⁰²
- The Anti-discrimination Body of the Federal State of Berlin²⁰³

There are no new official data sources concerning the **housing situation** of migrants. However, **municipal statistics** on the housing situation of migrants may give interesting additional information. Since cities are not obliged by law to survey this data, only those cities which conduct additional surveys provide data on the housing situation of migrants. In the following, we will present data from the Cities of Nuremberg, Frankfurt/Main and Munich.

4.2. Statistical data and information

4.2.1. Housing-related discrimination complaints

In the following, we will present numbers of complaints on discrimination registered by **NGOs** and **official bodies** (municipal bodies and state bodies).²⁰⁴

The **Anti-discrimination Office in Cologne (ADB Köln)** at the association “Öffentlichkeit gegen Gewalt (Köln)” (ÖgG)²⁰⁵ analyses its documentation of its advisory and counselling service differentiated according to the following areas of discrimination: public authorities, services, school/education, labour market, police and housing. Between 2002 and 2004, 21% of all complaints were related to housing, which makes the housing sector the second most vulnerable social field – surpassed only by complaints on discrimination within public authorities with 29% of all cases. In 2005, complaints on housing ranked in third place with 15% following the complaints concerning public authorities (26%) and services (19%) (table 8).

²⁰⁰ www.oegg.de/modules.php?name=Content&pa=showpage&pid=8&active=2 (31.07.2006)

²⁰¹ www.hannover.de/de/gesundheits/soziales/verbaende/interkul/ref_inku/auf_arbe/antidisk/index.html (31.07.2006)

²⁰² www.muenchen.de/Rathaus/dir/antidiskriminierung/149416/grundgesetz.html (31.07.2006)

²⁰³ www.berlin.de/sengsv/auslb/leitstelle.html (31.07.2006)

²⁰⁴ Due to the fact that each NGO or official body compiles their statistics on the basis of divergent categories and methods the data are not comparable. Furthermore, these statistics hardly reflect the real extent of discrimination in the respective city or federal state; they rather document the advisory service of these offices or bodies.

²⁰⁵ <http://www.oegg.de/modules.php?name=Content&pa=showpage&pid=8&active=2> (31.07.2006)

Table 8: Complaints on discrimination according to different areas recorded by the ADB Köln 2002-2004, 2005

	2002-2004	2005
Public authorities	48	17
Housing	35 <i>(23 neighbourhood conflicts, 12 housing market)</i>	10 <i>(most of them neighbourhood conflicts)</i>
Private services	28	13
Education	21	4
Others	13	4
Labour market/at work	12	10
Police	8	9
all complaints	165	67

Source: Öffentlichkeit gegen Gewalt e.V.(ÖgG) (2004) AntiDiskriminierungsBüro (ADB) Köln. Dokumentation 2002/2004. Mit Beilage 2005.

The **Anti-Discrimination Body of the State Capital Hanover**²⁰⁶ counts among the category “complaints of discrimination” only cases with a clear reference to discrimination due to origin, language, nationality or religion and in which the antidiscrimination body provided more than only informative advice. Regarding all complaints from 2002 to 2005, conflicts with or discrimination from public authorities (not including the police) ranked first (30%), followed by discrimination on housing (20%) and discrimination in the field of leisure time or by service providers (15%) (table 9).

²⁰⁶ Antidiskriminierungsstelle der Landeshauptstadt Hannover, http://www.hannover.de/de/gesundheits/soziales/verbaende/interkul/ref_inku/auf_arbe/antidisk/index.html (31.07.2006)

Table 9: Number of complaints according to different areas recorded by the Antidiscrimination Body of the State Capital Hanover 2002-2005

	2002	2003	2004	2005
Racist violence	-	-	-	1
Verbal aggression, racist propaganda	5	1	3	3
Public authorities	9	8	19	11
Police	4	5	1	1
Labour market/at work	6	4	1	5
Housing	10	10	5	8
Education	2	2	2	2
Bi-national partnership/family	1	2	1	-
Public transport	-	1	-	-
Medical treatment	-	1	-	-
Leisure and services	6	9	5	4
Others	1	-	-	2
all complaints	44	43	37	37

Source: City of Hanover, Stadtrat, Report of the antidiscrimination body of the city Hanover; attachment to printed matters 1566/2006

The **Body for Complaints on Discrimination of the State Capital Munich** ²⁰⁷ documents its advisory service with its own questionnaire. The documented cases were systematically analysed in 2006 for the first time. For the period 01.08.2003 to 31.12.2005 the antidiscrimination body recorded 199 cases; amongst them complaints regarding housing ranked in the second place (14%) after complaints concerning public authorities (19%).

In 2005, the **Anti-Discrimination Body of the Federal State of Berlin** ²⁰⁸ counted 82 complaints from people who felt discriminated against. However, according to the anti-discrimination body, only 23% of all these complaints were categorised as cases of actual discrimination (19 cases). Complaints on housing were the second most frequent (18% of all complaints of perceived and actual discrimination, including complaints which turned out not to refer to actual discrimination) (table 10).

207 Beschwerdestelle für Diskriminierungsfälle der Landeshauptstadt München, <http://www.muenchen.de/Rathaus/dir/antidiskriminierung/149416/grundgesetz.html> (31.07.2006)

208 Centre against Discrimination at the Office of the Berlin Commissioner for Integration and Migration, <http://www.berlin.de/sengsv/auslb/leitstelle.html> (31.07.2006)

Table 10: Number of complaints on perceived discrimination according to selected areas recorded by the Anti-Discrimination Body of the Federal State of Berlin in 2005

	2005
Public authorities	27
Housing	15
police	9
Conflicts at work	9

Source: information on request, not published yet

4.2.2. The situation of foreigners in housing

Home ownership

The proportion of foreigners living in their own apartment/house was clearly lower than among Germans. However the quota of home ownership for foreigners rose markedly from 1997 to 2002 in all age groups (table 11).

Table 11: Quota of home ownership by Germans and foreigners from former recruitment countries (Turkey, Greek, Yugoslavia, Italy, Spain) 1997 and 2002

	1997			2002		
	18-44	45-64	65 and older	18-44	45-64	65 and older
Germans	30.1	55.2	43.7	31.0	54.2	48.3
Foreigners from former recruitment countries	8.5	13.7	19.7	18.8	18.6	30.8

Source: Özcan and Seifert 2006 (GSOEP data)

Furnishing of apartments

In the period 1997 to 2002, the level of available furnishing and facilities improved for foreigners from former recruitment countries. However, there were still disparities especially regarding the furnishing of apartments with **central heating** and **running warm water** as well as the availability of a **balcony/patio** or a **garden**. Generally speaking, the largest differences between Germans and foreigners can be assessed in the oldest age group.

Whereas in 2002 94.5% of German elderly people (65+) had central heating at their disposal, the proportion of foreigners in the same age group was only at 74%. Nevertheless, when looking at foreigners between 45 and 64, we can observe that their situation improved considerably from 1997 to 2002 regarding the availability of central heating (1997: 67.0%, 2002: 81.8%).

In the same period, the disparities between Germans and foreigners in having a garden remained on a constantly high level (around 30%). In the oldest age group (65+) the

difference between German and foreigners was in 2002 (35.5 percentage points) even higher than in 1997 (29.8 percentage points) (tables 12 and 13).

Table 12: Facilities and equipment available in apartments, Germans and foreigners from former recruitment countries, in %; in 1997

		18-44	45-64	65 and older
Bath and shower	Germans	98.6	99.1	98.2
	<i>Foreigners</i>	98.4	93.4	96.0
Toilet in the apartment	Germans	98.5	99.2	98.8
	<i>Foreigners</i>	99.2	97.2	92.2
Central heating	Germans	93.2	93.4	87.2
	<i>Foreigners</i>	85.8	67.0	64.4
Balcony, patio	Germans	71.0	82.4	77.4
	<i>Foreigners</i>	54.7	49.9	55.6
Garden	Germans	58.1	66.5	60.0
	<i>Foreigners</i>	25.4	34.6	30.2
Warm water, Boiler	Germans	99.1	98.8	98.1
	<i>Foreigners</i>	97.6	92.6	92.2

Source: Ozcan and Seifert 2006 (GSOEP data)

Table 13: Facilities and equipments available in apartments, Germans and foreigners from former recruitment countries, in %, in 2002

		18-44	45-64	65 and older
Bath and shower	Germans	98.9	98.9	99.4
	<i>Foreigners</i>	100.0	95.1	99.2
Toilet in the apartment	Germans	98.3	99.1	99.3
	<i>Foreigners</i>	100.0	97.4	95.3
Central heating	Germans	96.3	94.7	94.5
	<i>Foreigners</i>	90.0	81.8	74.2
Balcony, patio	Germans	76.0	83.1	83.1
	<i>Foreigners</i>	57.0	56.5	55.3
Garden	Germans	60.3	66.2	58.9
	<i>Foreigners</i>	28.8	33.1	23.4
Warm water, Boiler	Germans	99.4	98.4	99.1
	<i>Foreigners</i>	100	94.2	90.4

Source: Ozcan and Seifert 2006 (GSOEP data)

Living space

Regarding the living space (m² per capita), foreigners from former recruitment countries were disadvantaged in all age groups. The living space increased from 1997 to 2002 for each age group, except for foreigners older than 64. In 2002, they had 4m² less at their disposal than they did in 1997 (tables 14).

Table 14: Living space per capita in m²

	1997			2002		
	18-44	45-64	65 and older	18-44	45-64	65 and older
Germans	44	52	60	45	54	63
Foreigners from former recruitment countries	30	28	38	33	34	34

Source: Özcan and Seifert 2006 (GSOEP data)

Physical conditions of building

Even if the judgement concerning the physical conditions of the building they lived in had converged from 1997 to 2002, there were still discrepancies between Germans and foreigners especially in the oldest age group (65+): In 2002, whilst only 58.0% of the elderly foreigners (65+) thought that they lived in a house which was in good condition, 72.7% of the Germans were of this opinion. 7.7% of the elderly foreigners (65+) stated that the house they inhabited needed to be completely renovated. Only 1.8% of the Germans had the same opinion (tables 15 and 16).

Table 15: Personal assessment of physical condition of building, Germans and Foreigners from former recruitment countries, in %; in 1997

		18-44	45-64	65 and older
Good repair	<i>Germans</i>	63.1	67.0	66.4
	<i>Foreigners</i>	63.6	52.4	42.0
Needs to be partly renovated	<i>Germans</i>	33.3	30.5	30.9
	<i>Foreigners</i>	30.1	37.4	38.0
Needs to be completely renovated	<i>Germans</i>	3.7	2.5	2.6
	<i>Foreigners</i>	5.6	9.6	20.0
Dilapidated	<i>Germans</i>	0.1	0.0	0.0
	<i>Foreigners</i>	0.7	0.7	0.0

Source: Özcan and Seifert 2006 (GSOEP data)

Table 16: Personal assessment of physical condition of building, Germans and foreigners from former recruitment countries, in %, in 2002

		18-44	45-64	65 and older
Good repair	Germans	62.7	67.7	72.7
	Foreigners	67.4	59.3	58.0
Needs to be partly renovated	Germans	34.5	29.6	25.5
	Foreigners	32.3	36.6	34.3
Needs to be completely renovated	Germans	2.8	2.8	1.8
	Foreigners	0.3	4.0	7.7
Dilapidated	Germans	0.0	0.0	0.0
	Foreigners	0.0	0.4	0.0

Source: Özcan and Seifert 2006 (GSOEP data)

4.2.3. Situation in selected cities

In the following, we will present data relating to the situation in housing in three selected cities, Nuremberg, Frankfurt/Main and Munich. However, one has to be aware that these data are not fully comparable due to the fact that in Frankfurt only the private housing market is considered whereas in Nuremberg and Munich all housing units are included in the statistics (including council flats).

City of Munich

Disparities between Germans and foreigners concerning their housing situation in Munich appear striking in the categories *living space per dwelling unit* and *persons per dwelling unit*. On average foreigners have considerably less living space at their disposal and live together with more persons in one flat than Germans. The different amount of rent among German and foreigners mainly depends on the varying size of living space (table 17).

Table 17: Housing situation in Munich of Germans and foreigners, 2005

	2005	
	Germans	Foreigners
Rooms per dwelling unit	3.2	2.9
Living space per dwelling unit in m²	83.4	72.0
Persons per dwelling unit	2.2	3.0
Rent per dwelling unit in EUR	721.5	615.9

Source: Landeshauptstadt München. Referat für Stadtplanung und Raumordnung: Münchner Bürgerbefragung 2005. Soziale Entwicklung der Lebenssituation von Münchner Bürgerinnen und Bürger. Tabellenband I. Deutsche - Nichtdeutsche

City of Nuremberg

Generally speaking, the housing situation of foreigners in Nuremberg has improved from 1997 to 2003. However, the discrepancies between Germans and foreigners have remained basically on the same level (table 18).

Table 18: Housing situation in Nuremberg of Germans and foreigners, 1997 and 2003

	1997		2003	
	Germans	Foreigners	Germans	Foreigners
Rooms per dwelling unit	3.1	2.6	3.2	2.8
Living space per dwelling unit in m²	76.0	62.5	80.6	68.1
Persons per dwelling unit	1.9	2.5	1.9	2.5
Rooms per person	1.6	1.0	1.7	1.1
Living space per capita in m²	40.4	25.0	42.1	27.6
Rent per dwelling unit in EUR	<i>not available</i>	<i>not available</i>	355	347
Rent per m² in EUR	<i>not available</i>	<i>not available</i>	5.28	5.60

Source: Office for urban research and statistic of Nuremberg, Annual Statistical Report 2005, pp. 150, 153

City of Frankfurt am Main

The disparities between Germans and foreigners on the private housing market were relatively small. No clear trend towards the worsening or improvement of the housing situation for foreigners could be detected. In three categories the housing situation of foreigners improved from 1999 to 2003, in two categories the housing situation deteriorated (persons per dwelling unit and living space per capita in m²). In those categories the gap between Germans and foreigners increased. Regarding the rent, an approximation of the situation of Germans and foreigners can be observed (table 19).

Table 19: Housing situation in Frankfurt/Main, 1999 and 2003

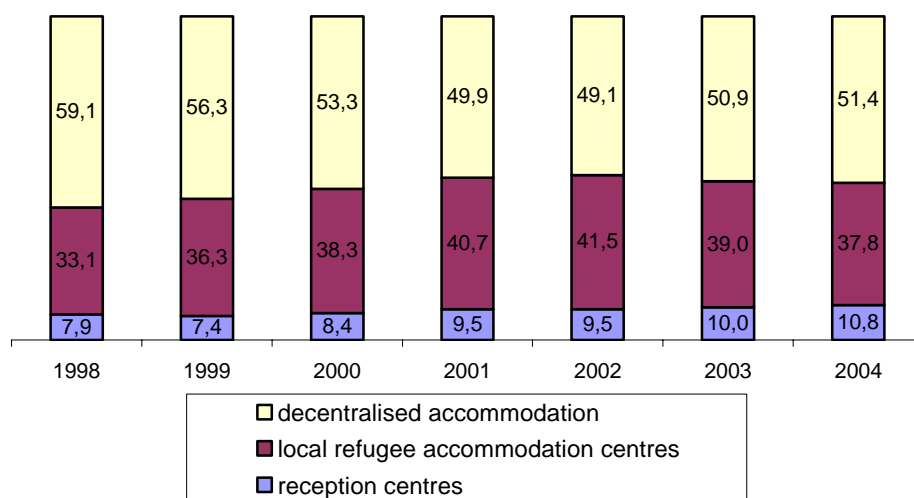
	1999		2003	
	Germans	Foreigners	Germans	Foreigners
Rooms per dwelling unit	2.8	2.7	2.7	2.8
Living space per dwelling unit in m²	68.6	63.2	66.9	65.8
Persons per dwelling unit	2.0	2.7	1.9	2.9
Rooms per person	1.6	1.2	1.6	1.1
Living space per capita in m²	40.5	28.5	40.5	27.2
Rent per dwelling unit in EUR	431	412	455	445
Rent per m² in EUR	6.40	6.67	6.90	6.91

Source: Statistical Office of the City of Frankfurt am Main: rent index (Mietspiegel) of Frankfurt am Main 2000 and 2004

4.2.4. Accommodation of asylum seekers

Regarding the distribution of asylum seekers according to the types of accommodation, the proportion of asylum seekers living in **local refugee accommodation centres** (i.e. in substandard living conditions compared to **decentralised accommodation**) increased from 1998 (33.1%) to 2002 (41.5%) as in the years before.²⁰⁹ This trend seems to have ceased. In 2003 (39.0%) and 2004 (37.8%) the proportion of asylum seekers living in local refugee accommodation centres decreased slightly (see Graph 9).

Graph 9: Distribution of asylum seekers* by type of accommodation



*

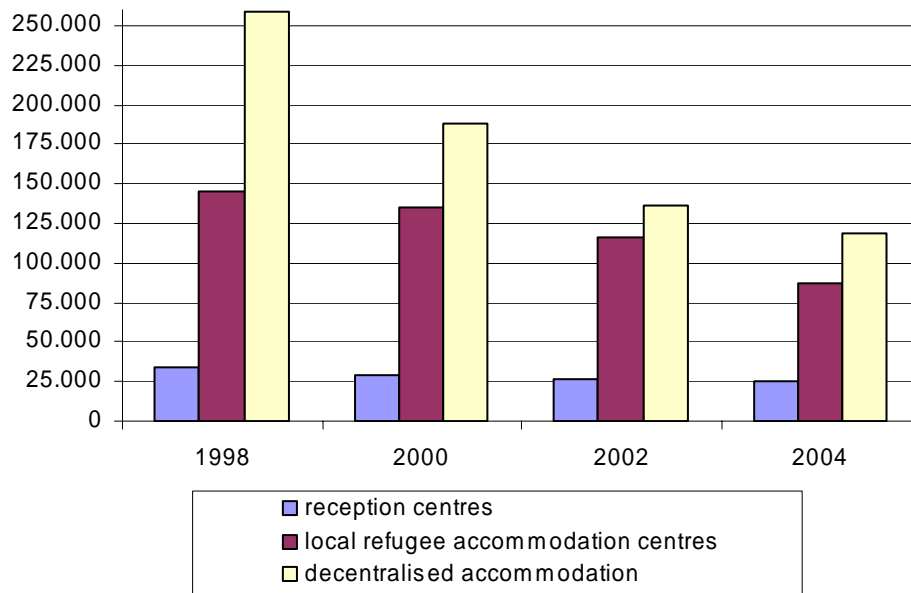
recipients of benefits according to the Asylum Seekers' Benefits Act

Source: Federal Statistical Office, Sozialleistungen. Leistungen an Asylbewerber. Fachserie 13, Reihe 7. Tab. A 1.1

Asylum seekers live, after they are housed for at least six weeks in special (preliminary) reception centres, either in decentralised flats or in local refugee accommodation centres. The **total number** of asylum seekers who sought benefits in accordance with the Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz) dropped about 48% from 1998 (440,000) to 2004 (230,000). Regarding the type of accommodation they live in, the number of asylum seekers in decentralised flats **dropped most** with 260,000 asylum seekers in 1998 compared to 120,000 in 2004; this is a decline of nearly 55%. The number of asylum seekers in local refugee accommodation centres decreased about 40% from 150,000 in 1998 to 90,000 in 2004. In contrast, the number of asylum seekers in reception centres only decreased about 30% from 35,000 in 1998 to 25,000 in 2004 (see Graph 10).

²⁰⁹ In 1995, only 20.4% of all asylum seekers lived in local refugee accommodation centres.

Graph 10: Number of asylum seekers* by type of accommodation (1998-2004)



*

recipients of benefits according to the Asylum Seekers' Benefits Act

Source: Federal Statistical Office, Sozialleistungen. Leistungen an Asylbewerber. Fachserie 13, Reihe 7. Tab. A 1.1

4.2.5 Data on perceived discrimination in housing

The latest findings of the **7th Multi-Topic Survey 2005** indicate that the level of perceived discrimination has further decreased, but remains on a high level. In 2005, 44.1% of the interviewees perceived discrimination against them whilst they were looking for an apartment; 31.8% stated that they felt discriminated against in their neighbourhoods. Compared to the highest figures surveyed in 2002, this represents a decrease of 12.1 percentage points (looking for an apartment) and 8.1 percentage points (neighbourhood) respectively. In the list of the most vulnerable fields of discrimination, discrimination whilst looking for an apartment ranked second (as in 2004), after discrimination in the workplace, school or university; discrimination in the neighbourhood ranked in sixth place in 2005 (fifth place in 2004).²¹⁰

²¹⁰ Goldberg, A.; Sauer M. (2006) Türkischstämmige Migranten in Nordrhein-Westfalen. Stand der Integration. Einstellungen und Meinungen. Inanspruchnahme von Unterstützung bei der Erziehung. Ergebnisse der 7. Mehrthemenbefragung, Duisburg-Essen: Stiftung ZfT, p. 245 and 136, available at: <http://www.bastianhofmann.de/UserFiles/File/NRW%202005-Bericht5.pdf> (08.01.2007)

4.3 Reports and studies

In 2006, a research team at the University of Oldenburg published the results of an **empirical study** on the integration process of **second generation Turks in Germany**.²¹¹ They conducted interviews, on the one hand, with 55 representatives of this group in two selected city neighbourhoods of Hanover, and, on the other hand, with gatekeepers of the local labour market (22 interviews) and the housing market (19 interviews). According to the results of the study, discrimination has an aggravating impact²¹² on the disadvantaged housing situation of Turks. The study revealed mechanisms of individual discrimination (prejudices and stereotypes of the gatekeepers) and institutionalised forms of discrimination (quotas on foreign households established by housing companies) which constrict the access of foreigners to housing.

Christoph Kowalski et al.²¹³ conducted an **online survey** among 209 people (landlords, estate agents, house supervisors etc) who placed flat advertisements on an online property portal analysing their selection preferences and the extent of ethnic discrimination on the local housing market of Cologne. In this survey, all foreign nationalities were assessed more negatively than German, but the assessment highly varied between the individual nationalities.²¹⁴ The applicants' income and professions had more impact than their nationality. However, nationality together with poor language proficiency affected the gatekeepers' decision more strongly than the applicants' social status.

Karen Schönwälder published an article outlining **the state of the art on segregation** and its impact on integration in Germany.²¹⁵ The few studies on segregation in individual cities reveal rather a decrease of segregation. Contrary to this general tendency, for some cities of the *Ruhrgebiet* (a highly industrialised area in North Rhine-Westphalia) experts suppose a growing concentration of socially disadvantaged and ethnically highly segregated city districts. Janina Söhn analysed a dataset on 1,810 small spatial units (8.000 inhabitants) in 33 West German cities asking on the settlement structure of ethnic communities. In only 7% of the analysed units the proportion of Turks, the largest foreign population group in Germany, reaches 10%.²¹⁶ The spatial concentration of migrants with the same national background is assumed to be not only a result of personal preferences but also of "mechanisms of the housing market". Regarding the integration process, there is no evidence that segregation *per se* effects integration negatively.

²¹¹ Gestring, Norbert; Andrea Janßen, Ayca Polat (2006) Prozesse der Integration und Ausgrenzung. Türkische Migranten der zweiten Generation. Wiesbaden: VS-Verlag für Sozialwissenschaften

²¹² Other causes seem to be related to legal regulations for foreigners, demographic reasons, the regional distribution, the economic situation of foreign households, and the situation of the housing market

²¹³ Kowalski, C. et al. (2006) Die Wohnungssuche als Alltagsproblem von Menschen nicht-deutscher Herkunft? Eine empirische Untersuchung am Beispiel Köln, available at: http://www.migration-boell.de/downloads/diversity/Bericht_Wohnungsvergabe.pdf (02.10.2006)

²¹⁴ For Japanese the nationality does hardly have any impact, whereas for Russians the nationality had a greater impact on the decision of gate-keepers than the criteria of income.

²¹⁵ Schönwälder, Karen (2006) 'Bunter als die Politik behauptet. Abschottungstendenzen von Migranten werden überschätzt', in: *WZB Mitteilungen*, No. 113, September 2006

²¹⁶ Turks are not always the dominant foreign group in the analysed spatial units. In 32% of the analysed units people from former Yugoslavia, in 34% people from the former Soviet Union represent the greatest group among the population with a foreign passport.

In November 2006, a qualitative study on the development, function and changes of “**ethnic colonies**” was published. This study offers an exemplary analysis of the everyday life in the ethnically segregated district of Hochfeld in Duisburg²¹⁷. Interviews were conducted in Turkish mosques and cafes. The findings of the study reflect both the integrational and the disintegrational functions of ethnically segregated areas for migrants. Whereas the mosques in Hochfeld builds bridges to the majority through various social activities, the café milieu rather stand for excluding tendencies in ethnic colonies. Giving a detailed insight into the everyday life of ethnic colonies, the study provides an informative basis for a municipal policy that aims at supporting the integrative functions of ethnic colonies.²¹⁸

4.4. Policies and initiatives combating discrimination and improving integration in housing

Migrant Mediators in the SAGA GWG housing company

In August 2005, the housing company SAGA GWG, which manages some 135,000 dwelling units in Hamburg, launched the **project “Migrant Mediators”**²¹⁹ in cooperation with the non-profit employment agency for migrants AQtivus gGmbH²²⁰.

Within the project “Migrant Mediators” SAGA GWG employs 20 unemployed migrants who are participants in a labour market scheme called **1-Euro-Job**. The 1-Euro-Job is financed by the labour agency and is limited to 10 months with the aim of subsequently placing the participants within the mainstream labour market.

The main task of the “Migrant Mediators”, who should speak, beside German, the language of the migrant tenants, is **to improve the communication** between migrant tenants and the support services of SAGA GWG, for example in case of rental debts, tenancy changeover or reconstruction measures.²²¹ Additionally, the mediators should not only explain the sense of special rules in the housing estates (e.g. not blocking emergency routs) or decisions by the housing company (e.g. rejection of applications for accommodation due to quotas aiming at maintaining the right mixture in their housing estates), but also should be aware of the problems and motives of migrant tenants. Furthermore, the mediators do not only give advice in housing-related matters, but also in questions concerning other aspects of the migrant tenants’ every day lives (e.g. contact to municipal offices or school problems).

Meanwhile the first change in the “Migrant Mediators” has taken place and teething troubles such as the cooperation with the responsible branches of the housing company have been improved. However, ten months seems to be quite a short period for this kind of job in which the mediators have to build up a relationship of confidence with their clients. According to the company, it is intended to secure ten placements in the realm of the **labour market measure 58+** for the “Migrant Mediators” project. This labour market measure, also financed by the labour agency, covers a 3-year-period and would give the project a more lasting basis.

²¹⁷ Duisburg has around 500,000 inhabitants; 15% of them are foreigners. The district of Hochfeld has around 10,000 inhabitants; 37% are foreigners. Nearly half of the foreign populations in Hochfeld are Turks.

²¹⁸ Ceylan, Rauf (2006) *Ethnische Kolonien. Entstehung, Funktion und Wandel am Beispiel türkischer Moscheen und Cafés*, Wiesbaden: VS Verlag für Sozialwissenschaften

²¹⁹ German title of the project: “Migranten Coaches”; Press release, SAGA GWG, 11.11.2005

²²⁰ AQtivus stands for „Gemeinnützige Arbeitsvermittlungsgesellschaft für Menschen mit Migrationshintergrund“

²²¹ Telephone call with Rainer Andresen, responsible for the project at the housing company SAGA GWG, on July 18.

Grimmelsiepen – community centre and housing project

The **Turkish-Islamic association in Dortmund-Hörde** (Türkisch-Islamischer Kulturverein Hörde e.V.) was founded in 1982 and has at present around 400 members. Besides cultural and sporting activities the association maintains a mosque; in its present form it remains a typical “backyard-mosque”. The association is a member of the union of Turkish-Islamic mosques in Germany, the DITIB.

Since the accommodation (around 180 m²) was no longer sufficient, the association looked for an appropriate plot of land aiming at **building a new, more representative mosque** in Hörde, a city district of Dortmund.

In 2002, the City of Dortmund offered an area (called *Grimmelsiepen*) of 30,000 m² in Hörde.²²² As the city preferred to have one constructor for the entire area, the Turkish-Islamic association developed (in cooperation with an architect of Turkish origin²²³) a housing project which exceeds the old plan:

The current Grimmelsiepen project contains three elements:

- a mosque including a community centre for social activities
- a housing area with 34 semi-detached houses and 20 terraced houses, which is open for every potential buyer irrespective of their origin or religion and thus is not restricted to members of the association
- housing units for home and geriatric care for around 24 elder people.

The realisation of the project Grimmelsiepen was delayed by **massive protests** among German residents in Hörde. Especially the intention to build a representatives mosque with a copula and a minaret provoked resistance. Opponents of the project founded a citizens’ action committee.²²⁴

In response, people and organisations from the **civil society** protested against the right wing extremist demonstration, conducted information events on the concrete plans for the project Grimmelsiepen and founded a round table, which aims at improving the dialogue between people with different origins, cultures and religions in the neighbourhood of Hörde.²²⁵ Solutions were found concerning the call for prayer and the prevention of segregation: The muezzin only calls once a week for prayer and migrant families who apply together with a German family for a semi-detached house in the Grimmelsiepen housing project will be

²²² City of Dortmund, Printed Matters, No. 00608-04, 21.12.2004, available at: [dosys01.dokom.de/dosys/gremrech.nsf/0/c1256f35004cedb0c1256f690020436c/\\$FILE/VorlageVG%2300608-04.doc](http://dosys01.dokom.de/dosys/gremrech.nsf/0/c1256f35004cedb0c1256f690020436c/$FILE/VorlageVG%2300608-04.doc) (26.07.2006)

²²³ http://www.karatas-net.de/a2_projekt09.html (26.07.2006)

²²⁴ The protests cumulated in a right wing extremist demonstration in 2004 (www.galerie-arbeiterfotografie.de/galerie/reportage-2004/index-2004-06-19-dortmund-nazis-text.html (26.07.2006)).

Institut für Landes und Stadtentwicklungsforschung und Bauwesen des Landes NRW (2005), *Wohnbedürfnisse von Migrantinnen und Migranten. Erfahrungen, Ansätze, Strategien*, available at: www.ils-shop.nrw.de/download/wohnbef-migr.pdf, (27.07.2006), p. 75;

The protests cumulated in a right wing extremist demonstration in 2004 (www.galerie-arbeiterfotografie.de/galerie/reportage-2004/index-2004-06-19-dortmund-nazis-text.html (26.07.2006))

²²⁵ Beside representatives of the Turkish-Islamic Association Dortmund-Hörde e.V., representatives of the Protestant and the Catholic church, political parties, the labour unions, a local housing company, of the local public administration and the Council for Foreigners work together at the round table Grimmelsiepen. <http://www.islamseminar.de/RTG/index.htm> (26.07.2006)

rewarded by more favourable conditions.²²⁶ It took four years until March 2006 before the concept for the Grimmelsiepen project was finally approved by the local politicians. After the final decision of the City Council of Dortmund the work will - in all likelihood - start in 2007.

The INTERREG-Project in Münster

In 2003, **Münster** and its Dutch partner city **Enschede** developed concepts for their integration policy, corresponding to their respective local contexts and supported by EU funds. As an **INTERREG III project** they were financed under the European Regional Development Fund (ERDF). Münster, additionally supported by the federal state of NRW, particularly focused its integration concept on ethnic German migrants from the former Soviet Union.

At the beginning of the developing process, the City of Münster identified housing as one of the crucial factors in the successful integration of migrants. It was assumed that living in a non-segregated neighbourhood supports the integration process, provided that the migrants make contact with their non-migrant neighbours. Therefore placing the newly arrived ethnic Germans into accommodation in non-segregated city neighbourhoods and integrating them into the local social networks are **the main objectives** of the integration concept.

To achieve these aims, the City of Münster adopted two **instruments**:

- the introduction of “integration pilots” (integration guide)
- the building up of a political agreement among the most important actors who are politically and socially active in this field.

Within the “**integration pilot project**” the City of Münster intensified its counselling service for ethnic Germans. In 2004, 120 ethnic Germans signed on a voluntary basis an Integration Contract, binding for one year. In the Integration Contract the migrants committed themselves not only to participating in language courses and/or labour market measures, but also to move into a flat in a non-segregated neighbourhood. The migrants received support from a personal guide and contact person who supported the migrants in looking for accommodation and in contacting local associations (e.g. sports clubs, the local parish or allotment holder or anglers’ associations).

The success of the “integration pilot project” depends on the political agreement stipulated in the **Münster Declaration 2005**²²⁷. In this Declaration housing companies and societies, the municipal administration, associations, churches and migrant organisations commit themselves to ensuring that every newly arrived ethnic German finds a place to live in a non-segregated neighbourhood.²²⁸

In 2005, the integration policies of Münster and Enschede were evaluated by a Dutch-German research team.²²⁹ 93% of the participants of the “integration pilot project” in Münster lived in a non-segregated area but only 40% of the non-participating ethnic migrants

²²⁶ Presentation by Isa Karatas (architect and coordinator of the project Grimmelsiepen) and Niels Back (Pastor and member of the round table Grimmelsiepen) at the workshop “Transatlantic Discourse on Integration. Integration of Migrants and Local Housing Policies in Germany and the U.S.” on 14 July 2006 in Berlin.

²²⁷ http://www.muenster.de/stadt/zuwanderung/pdf/2005_xenia_ms-erklaerung.pdf (27.07.2006)

²²⁸ Especially the collaboration of the **housing companies** was crucial for a successful implementation of the integration concept. To prevent vacancies, housing companies often recruit ethnic German migrants even in the preliminary accommodation centres for an accommodation in less attractive and segregated city neighbourhoods.

²²⁹ Michalowski, I. et al. (2006) Zuwanderer integrieren. Eine vergleichende Evaluation lokaler Programme in Münster und Enschede. Münster, available at: <http://www.muenster.de/stadt/zuwanderung/pdf/2006evaluation.pdf> (25.07.2006)

who arrived at the same time. The project was continued in 2006 with the aim of extending the concept to all ethnic German migrants in Münster. Furthermore, the transferability of the concept to other migrant groups is to be checked and as far as possible implemented.²³⁰

Garden projects

In 2006, the *Bundesverband Deutscher Gartenfreunde, BDG* (Federal Association of German Garden Enthusiasts) released a handbook “Living together. Integration within allotments”²³¹ promoting the integration of migrants within garden associations.²³² The handbook provides suggestions on how to deal with common problems arising when people of different cultural backgrounds live together. Furthermore, the study presents five good practice projects aiming the integration of migrants conducted within its member associations. The handbook also contains an information leaflet for new allotment holders.²³³

Whereas this initiative aims at adapting an established institution to the new requirements of an immigration society, the **network “Intercultural Gardens”**²³⁴ supports garden projects funded with the aim of improving the integration of migrants into the majority society.

The network “Intercultural Gardens” is an open association of different intercultural garden projects in Germany. It was founded in 2002 when a nationwide meeting of organisers of garden projects took place. In November 2006, some 100 intercultural garden projects, mostly in Germany but also some in other European countries (Great Britain, Austria and Bosnia), were members of the network. In all these projects, migrants and non-migrants cultivate fruits and vegetables together. In addition, they have developed a range of different social projects. Depending on the respective focus of the garden project, they concentrate on youth and child-related projects, on further education for adults or on intercultural activities.

The network “intercultural gardens” corresponds to the needs of existing intercultural garden projects as well as to people or groups who are planning to start such a project. The main objectives of the network are to foster the exchange of knowledge and experience as well as to establish networks for fundraising, further education and public relations. The network “intercultural gardens” is coordinated by the foundation “Stiftung Interkultur”, which was established for this reason by the research association “*anstiftung*”²³⁵ in January 2003. With its coordination work, the organisation “Stiftung Interkultur” aims at supporting and spreading a new concept of integration realised in intercultural garden projects.

²³⁰ <http://www.muenster.de/stadt/zuwanderung/pdf/2006projektpraesentation.pdf> (27.07.2006)

²³¹ Bundesverband Deutscher Gartenfreunde (BDG) (2006) *Miteinander Leben. Integration im Kleingarten. Ein Leitfaden*, available at: http://admin.kleingarten-bund.de/uploads/fachthemen/pdf/2006/bdg_integration_web.pdf (11.01.2006)

²³² More than one million allotment holders are members of the associations affiliated within the BDG. A survey conducted among 17 of the 19 federal state associations affiliated within the BDG revealed that in 2004 7.9% of all members were people with a migration background. In the old federal states this proportion added up to 17%, whereas in the new federal states only 2% of the association members were people with a migration background.

²³³ The most important statements of the leaflet can be downloaded at the website of the BDG. This welcome leaflet is available in Polish, Russian and Turkish. Welcome leaflet for new allotment holders, available at:

www.kleingarten-bund.de/fachthemen/details.php?cat=504&action=showArticle&articleNr=1118 (11.01.2007)

²³⁴ <http://www.stiftung-interkultur.de/index.htm>, (12.01.2007)

²³⁵ <http://www.anstiftung.de> (12.01.2007)

Final congress of the project “Immigrants in the City”

On the October 28 and 29 the project “Immigrants in the City”²³⁶ (see National Report on Germany 2005) ended after two and a half years with a two-day congress²³⁷ in Nuremberg. The congress aimed at discussing the results²³⁸ of the project with the project partners²³⁹ as well as with the interested public. The congress targeted practitioners from politics, administration and the housing industry as well as local actors and academics. In addition, an exhibition, presented for the first time, visualised local integration approaches and good practices of the participating cities.

Impact assessment of the nationwide project “Social City”

The third survey among the project areas of the joint Federal and State programme “Social City” (*Soziale Stadt*) in 2005 emphasises the importance of migrants as one important target group within the project (see Special Study 2006). In more than 50% of the project areas the proportion of migrants added up to 20% and more. The integration of migrants is emphasised more and more in the project concepts as well as in their activities. In 2005, 51.7% of the ongoing projects in the project areas focused on the integration of migrants. In comparison to the concluded projects, this is an increase of 8.3%. According to the contact persons, most progress can be observed concerning language support and intercultural exchange. The participation of migrants in the decision-making process, however, is still assessed as being insufficient.²⁴⁰

²³⁶ www.zuwanderer-in-der-stadt.de (04.10.2006)

²³⁷ Programme of the final congress “Immigrants in the City”, available at: www.schader-stiftung.de/docs/sst_einl_nuernberg.pdf (04.10.2006)

²³⁸ Höbel, R. et al. (2006) Stadträumliche Integrationspolitik. Umsetzung der Empfehlungen des Projekts “Zuwanderer in der Stadt”, Darmstadt: Schader-Stiftung, available at: www.schader-stiftung.de/docs/fuers_internet_abschluss1.pdf (05.10.2006) and Höbel, R. et al. (2006) Voneinander Lernen. Gute-Praxis-Beispiele stadträumlicher Integrationspolitik. Ergebnisse der Begleitforschung des Projekts “Zuwanderer in der Stadt”, Darmstadt: Schader-Stiftung

²³⁹ “Immigrants in the City” was initiated by the Schader Foundation and aimed at improving the integration of migrants in cities starting from the assumption that a successful process of integration requires conducive socio-spatial conditions of housing and neighbourhood.

The project is supported by the [German Ministry of Education and Research \(www.bmbf.de\)](http://www.bmbf.de). Besides the Schader Foundation (www.schader-stiftung.de), the following organisations are involved in the project: German Association of Cities (DST) (www.staedtetag.de), German Head Federation of Housing and Real Estate Associations (GdW) (www.gdw.de), German Institute of Urban Affairs (Difu) (www.difu.de) and Institute for Housing, Real Estate, Urban and Regional Development at Ruhr-University Bochum (InWIS) (www.inwis.de).

²⁴⁰ Bundestransferstelle Soziale Stadt (2006) Dritte bundesweite Befragung. Programmgebiete „Soziale Stadt“. Endbericht zur Auswertung, available at: <http://www.sozialestadt.de/veroeffentlichungen/DF10750.pdf> (12.01.2006)

5. Racist violence and crimes

5.1. Racist, xenophobic, anti-Semitic or Islamophobic crimes – the legal framework

There is no law in force in Germany according to which a criminal offence is explicitly recognised as racist, xenophobic, anti-Semitic or Islamophobic. Section 130 of the Criminal Code, which bans the incitement of the people, is the only provision in German criminal law which refers to crimes against a “national, racial or religious (...) group” (§ 130 II No. 1).²⁴¹

The police criminal registration system, however, has contained pertinent registration regulations for xenophobically motivated crimes since 1992 and for anti-Semitic crimes since July 1993.²⁴²

A racist (“xenophobic”) motivation is explicitly recognised within the framework of the **criminal registration system of the police** (KPMD) – though the recognition of such a motivation is not incorporated into (criminal) law. The German Criminal Code does, however, indirectly recognise the racist and religious motivation of the perpetrator by banning certain acts directed against “racial” or religious groups.

The Criminal Code contains no specific provisions which generally consider the racist or xenophobic motivation of the perpetrator as an **aggravating factor** for sentencing in court. Nevertheless, section 46 StGB provides the legal basis for taking into account the perpetrator’s motivation, aims and his attitudes (reflected by the criminal act) for the determination of the punishment. Thus, the judge has to decide on a case-by-case basis whether xenophobia is taken into consideration as an aggravating circumstance or not. According to the interpretation of the law by the Federal Court of Justice, xenophobia and racism is regarded as “base motive” and an aggravating circumstance in cases of (attempted) homicide.²⁴³

The **‘hate crime’ concept** is not explicitly mentioned in the Criminal Code, but was introduced into the police criminal registration and definition system – within the framework of the modification of the registration system (formerly: KPMD-S; now: KPMD-PMK) – in 2001 (see Special Study 2006).²⁴⁴ Within this registration system “hate crimes” represent a specific sub-category of politically motivated crimes. Anti-Semitic and xenophobic crimes are registered as sub-categories of hate crime.²⁴⁵

²⁴¹ The maximum penalty is imprisonment for three years or a fine.

²⁴² Germany, Bundesministerium des Innern; Bundesministerium der Justiz (2001) *Erster Periodischer Sicherheitsbericht*. Berlin, pp. 269-270. For more information see next paragraph (ii) and the section on legal issues as well as the Second Rapid Response 2004 (Policing racist crime)

²⁴³ ECRI (2004) *Third Report on Germany adopted on 5 December 2003*, Strasbourg: Council of Europe, pp. 9-10; Germany / BGH / 3 BJs 47/99 (14.01.2000)

²⁴⁴ Germany, Bundesministerium des Innern; Bundesministerium der Justiz (2001) *Erster Periodischer Sicherheitsbericht*. Berlin, p. 263

²⁴⁵ For more information see: Peucker, M. (2006) *The hate crime concept in Germany and how to improve the knowledge on the extent of hate crimes*, paper prepared for the OSCE meeting "Tolerance Implementation Meeting: Addressing the hate crime data deficit" (8-10 November 2006), No. PC.NGO/12/06 (http://web.uni-bamberg.de/~ba6ef3/pdf/Hate_crime_concept_final.pdf)

Xenophobic crimes are defined as those hate crimes “which were committed due to the victim’s actual or alleged

- nationality
- ethnicity (*Volkszugehörigkeit*)
- race
- colour of skin
- religion
- origin.”²⁴⁶

It is to be emphasised that, according to this definition, hate crimes which are committed due to the victim’s religion are also deemed to be “xenophobic”. Anti-Semitic crimes, however, are defined as an explicit sub-division of hate crimes, i.e. those crimes “which were committed because of an anti-Jewish sentiment”.²⁴⁷

The **German Criminal Code** contains several sections which explicitly deal with offences directed against religious groups. In addition to section 130 StGB which bans the incitement of hatred against, among others, religious groups (see above), section 166 StGB is to be mentioned: This section prohibits offences of “Insulting faiths, religious societies and organisations dedicated to a philosophy of life”. Those who insult the content of others’ religious faith or a church or other religious groups “in a manner that is liable to disturb the public peace shall be punished with imprisonment for up to three years or a fine” (§166 I and II StGB).

Specific Criminal Code provisions and selected court cases

The German Criminal Code (*StGB*)²⁴⁸ contains several provisions related to xenophobia and racism, many of them are also covered by the proposed **framework decision on combating racism and xenophobia** (COM (2001) 664, Section 4). The most important sections in the German Criminal Code are §§ 86, 86a and 130.

Section 130 Criminal Code bans the incitement to hatred or violence against “parts of the population or a national, racial or religious group” and prohibits assaults on “the human dignity of others by insulting, maliciously maligning, or defaming segments of the population”. It covers Art. 4 (a), (b) and (e) of the framework decision. Article 4 (c) and (d) dealing with public condoning of crimes of genocide or crimes against humanity according to Art. 6, 7 and 8 of the Statute of the International Criminal Court is partly covered by Section 130 (3) and (4) Criminal Code²⁴⁹, which, however, solely focuses on the crimes committed under the National Socialist rule and fails to cover other genocides or crimes against humanity. Holocaust denial, anti-Semitic insults and justification of hatred against Jews are, among others, typical case of incitement of the people and a violation of Section 130 StGB.

A lawsuit on **Holocaust denial**, which attracted attention on the national and international level, is the *Deckert case* (1994): The Regional Court sentenced the right-wing extremist Deckert to one year in prison on probation for incitement to racial hatred, denying the

²⁴⁶ Germany, BKA (2004) *Informationen zum polizeilichen Definitionssystem Politisch motivierte Kriminalität (PMK)*, p.8

²⁴⁷ Germany, BKA (2004) *Informationen zum polizeilichen Definitionssystem Politisch motivierte Kriminalität (PMK)*, p.8; for further information see National Report on Racist Violence 2002.

²⁴⁸ Germany, Federal Ministry of Justice: <http://bundesrecht.juris.de/bundesrecht/stgb/index.html> (11.10.2006); translated version available at: <http://www.iuscomp.org/gla/index.html> (11.10.2006)

²⁴⁹ Section 130 (4) StGB was added to the Criminal Code in March 2005 within the framework of the amendment of the Public Meeting Act striving for tightening the regulations concerning neo-Nazi demonstrations.

genocide of the Nazis and the mass murder of the Jews in gas chambers. The judge considered the Deckert's strong political conviction as a mitigation factor for sentencing.²⁵⁰ In the aftermath, the Federal Court of Justice rejected this argumentation as completely unacceptable and the punishment as not sufficient.²⁵¹

The lawsuit against the neo-Nazi Horst Mahler received a great deal of public attention: He was sentenced to nine months in prison (without probation) for inciting people to **anti-Semitic sentiments**. The District Court in Berlin found him guilty of having distributed a paper to journalists in Berlin in which he had described the hatred towards Jews as "something completely normal" and as a "sign of mental health".²⁵²

On December 2005, the Federal Court of Justice (BGH) confirmed the ruling of the Regional Court Bochum (12 Kls 33 Js 213/04) which had sentenced the vice-chairman of the right-wing extremist party NPD in North-Rhine Westphalia to one year imprisonment (on probation) for incitement of the people with **anti-Semitic insults**. By quoting from the Jewish Talmud in a misguiding way, he publicly blamed Jews of accepting sexual abuse of minors.²⁵³

Article 4 (f) of the framework decision which bans "directing, supporting or participating in the activities of a racist or xenophobic group" is partly covered by **Section 129 Criminal Code**, however, the German provision does not explicitly refer to "racist or xenophobic groups", but – more generally – to "criminal organisations". This criminal code provisions is rarely used for legally banning xenophobic and/or right-wing extremist organisations²⁵⁴; more commonly such right-wing extremist organisations are banned directly by the Federal or the State Ministries of the Interior (based on constitutional provisions).²⁵⁵ The lawsuit against several members of the right-wing extremist music group "Landser", however, constitutes an exemplary court case in which Section 129 (1) StGB was applied. The band leader was sentenced to three years and four months in prison by the Higher Regional Court Berlin for, among others, forming a criminal organisation, i.e. the music band "Landser".²⁵⁶ According to the court, the music band had been distributing political messages among the radical right-wing milieu aiming at inciting against Jews and foreigners and encouraging others to kill them. This ruling was confirming by the Federal Court of Justice in March 2005.²⁵⁷

Section 131 Criminal Code also plays a role in the context of anti-Semitic or xenophobically motivated crimes; it prohibits the representation of "violence against human beings in a manner which expresses a glorification (...) of such acts of violence" or "injures human dignity".

Furthermore, **section 86** and **86a** are to be mentioned which prohibit the dissemination of propaganda material of anti-constitutional organisations (§86) and the use of symbols of anti-constitutional organisations (§86a). Not only obvious NS symbols, such as the Hitler salute, the word *NSDAP*, swastikas and SS runes, are covered by this ban, but also less common symbols such as the "Gaudreiecke" (triangle symbols used by the organisation

²⁵⁰ Germany / LG Mannheim / (6) 5 Kls 2/92 (22.06.1994)

²⁵¹ Germany / BGH / 1 Str 656/94 (15.12.1994).

²⁵² Germany / LG Berlin / 502-10/04 (12.01.2005).

²⁵³ Germany / BGH / 4 Str 283/05 (15.12.2005)

²⁵⁴ Germany, Bundestag, printed matter 16/49 (04.11.2005)

²⁵⁵ Since 1992 some 25 extremist associations have been banned by the Federal or the State Ministries (Germany, Bundestag, printed matter 16/1113 (03.04.2006))

²⁵⁶ Germany / 3 StE 2/02-5(1) (22.12.2003)

²⁵⁷ Germany / BGH / 3 StR 233/04 (10.03.2005)

“Hitler Youth”) or other symbols which bear a clear resemblance with NS symbols²⁵⁸ and several NS propaganda songs (most popular: the Horst Wessel song). The Higher Regional Court ruled on October 5, 1987 that singing the melody of such NS songs without the original lyrics also constitutes a violation of Section 86a StGB.²⁵⁹

Apart from the Criminal Code, there are individual relevant provisions in other legal sources, such as the **Public Meeting Act**, which was significantly amended in 2005: According to the expanded section 15 of this Act (in effect since April 2005) a demonstration can be prohibited by the authority in charge if it is planned at a location of national importance for the commemoration of victims of the Nazi regime,²⁶⁰ and if the dignity of these victims is affected by the demonstration. The latter provision refers to the amendment of section 130 StGB (incitement of the people): The paragraph § 130 (4) StGB, which was introduced as one element of the amendment to the Public Meeting Act, provides a stronger legal basis for banning neo-Nazi and extreme right-wing demonstrations. In 2006, the planned demonstration of neo-Nazis and right-wingers in Wunsiedel, a small Bavarian town where Hitler’s deputy Hess is buried, for instance, was prohibited on the basis of this new paragraph. This court decisions was confirmed by the Federal Constitutional Court on August 14, 2006.²⁶¹

Despite the **mainly positive assessment** (e.g. by ECRI) of the German legal framework on combating racism and xenophobia²⁶², some aspects of the proposed framework decision are not covered by criminal law in Germany – for instance, Article 8 on racist and xenophobic motivation which “may be regarded as aggravating circumstances in the determination of the penalty”.²⁶³ Nevertheless, the courts sometimes consider such a motivation an aggravating factor in the determination of the penalty, especially in cases of murder.

However, the anti-Semitic or xenophobic motivation of the perpetrator is relevant in for the registration of a crime by the police. The police have to assess whether the individual crime is to be categorised as a politically motivated crime with an extreme right-wing motivation. If so, the police need to assess whether the offence is to be deemed as a “hate crime” and whether it was committed with a xenophobic or anti-Semitic background (sub-category of “hate crime”).²⁶⁴ If the police assume a xenophobic or anti-Semitic background, the offence is registered as such and investigations are conducted accordingly.

²⁵⁸ Germany / BGH / 3 StR 495/01 (31.07.2002)

²⁵⁹ Germany / OLG Oldenburg / 1 Ss 481/87 (05.10.1987)

²⁶⁰ For instance, at the Memorial for the Murdered Jews in Berlin which is explicitly mentioned in the Act; other locations are to be defined by state laws.

²⁶¹ Germany / BVerfG / 1 BvQ 25/06 (14.08.2006)

²⁶² ECRI (2004) *Third Report on Germany adopted on 5 December 2003*, Strasbourg: CoE, pp. 9-10

²⁶³ Several national (e.g. Central Council of Sinti and Roma) and international organisations (e.g. ECRI) as well as the State of Brandenburg (September 2000; Germany, Bundesrat, printed matter 577/00 (26.09.2000)) have urged the federal legislators to define racially motivated crimes or other extreme right-wing “hate crimes” as a specific offence in the Criminal Code and to pass legal provisions according to which xenophobic motivation is to be taken into account as an aggravating factor by the courts. However, until now, the government has rejected these requests (Germany, Federal Ministry of the Interior (2004) *Zweiter Bericht der Bundesrepublik Deutschland, gemäß Artikel 25 Abs. 2 des Rahmenübereinkommens des Europarats zum Schutz nationaler Minderheiten*, p. 288-289).

²⁶⁴ This applies for *propaganda* offences (§§ 130, 86, 86a StGB) and for a wide range of *violent* crimes, such as (attempted) murder, bodily harm, arson, breach of the peace, robbery, extortion, deprivation of liberty etc

Impact

At the request of the Federal Ministry of Justice, the state legal authorities (*Landesjustizverwaltungen*) have registered cases of investigations of the public prosecutor due to – alleged or actual – right-wing extremist, xenophobically motivated crimes since 1992. The most recent statistics stem from 2003; in comparison to previous years, the figures show a decline as the following table illustrates:

Table 20: Investigations launched by the public prosecutor related (alleged) right-wing extremist and/or xenophobic offences

	2001	2002	2003
Propaganda offences: §§ 86, 86a § 86 StGB: Dissemination of propaganda material of anti-constitutional organisations §86 StGB: Use of symbols of anti-constitutional organisations.	19,875	14,171	12,554
Propaganda offences: §§ 130, 131 § 130 StGB: Incitement of the people §131 StGB: Representation of violence	4,746	3,334	3,123
(Attempted) murder: §§ 211, 212	19	14	27
Bodily harm: §§ 223	1,070	942	833
Breach of the peace: §§ 125, 125 a	480	231	184
Arson: §§ 306	46	53	96
Anti-Semitic tendencies (desecration of graves etc.)	656	609	316
Others offences	2,470	2,063	1,987
In total	29,362	21,417	19,120
<i>Of which: offences against foreigners</i>	<i>3,553</i>	<i>2,276</i>	<i>1,796</i>

Source: Germany, Bundestag, printed matter 16/1353 (27.04.2006)

In many cases the investigations do not lead to the conviction of the perpetrator(s). In 2003, 2,334 convictions were passed by the courts; 437 of them were ruled in the context of a trial concerning an offence against foreigners. Despite this relatively low number of convictions, the proportion of convictions to all closed proceedings has increased as the following table shows:

Table 21: Closed investigations of the public prosecutor related to (alleged) right-wing extremist and/or xenophobic offences

	2001	2002	2003
Number of all closed proceedings	27,590	21,771	17,832
Total number of convictions	2,623	2,805	2,334
<i>Proportion of all closed proceedings</i>	9.5%	12.9%	13.1%
Number of convictions due to offences against foreigners	939	644	437
Total number of verdicts of “not guilty”	365	217	154

Source: Germany, Bundestag, printed matter 16/1353 (27.04.2006)

Negative impact

In late 2005 and 2006, the media reported on several cases of judicial investigation against people who were accused of having used and/or disseminated anti-Nazi symbols, such as badges or t-shirts which show a crossed-out swastika or a fist that smashes a swastika.²⁶⁵

Although in these cases of displaying a swastika, which is a symbol categorised as “propaganda material of anti-constitutional organisations” according to § 86a StGB, it is obvious that the intention of the accused persons is not rooted in right-wing extremism and xenophobia, but motivated by the opposite, i.e. they mean to make a statement *against* neo-Nazis and right-wing extremism. The Federal Court of Justice (*Bundesgerichtshof*) ruled in October 1972 that the display of such symbols is not subject to section 86a StGB (BGHSt. 25, 30; 128, 130) if the use of the symbol expresses – from the perspective of an “objective observer” – undoubtedly an attitude that opposes National Socialism.

Nevertheless, some public prosecutors started investigations on people using or selling items which display such anti-Nazi symbols. This issue received so much public attention that the parliamentary group of the Greens addressed the *Bundestag* with a parliamentary inquiry in December 2005.²⁶⁶ The government was not able to present any differentiated figures on such cases and – with reference to the 1972 ruling of the Federal Court of Justice – rejected to change the wording of Section 86a StGB to generally clarify the issue; instead of amending the law, the courts should continue to decide on a case-by-case basis.²⁶⁷

²⁶⁵ The following essay presents a very brief description of several of such cases.: Stevens, E. (2006) “Die Versammlungsfreiheit stirbt scheibchenweise”, in: Müller-Heidelberg et. (eds.) *Grundrechte-Report 2006. Zur Lage der Bürger- und Menschenrechte in Deutschland*. Frankfurt/Main: Fischer Taschenbuch verlag, pp. 93-97.

²⁶⁶ Germany, Bundestag printed matter 16/149 (07.12.2005)

²⁶⁷ Germany, Bundestag printed matter 16/309 (21.12.2005)

5.2. Relevant data sources

In Germany, the official police statistics on politically motivated crimes (PMK) right-wing crimes used in the RAXEN reports are publicly accessible. There are four main sources:

- The Federal Ministry of the Interior publishes a comprehensive press release on the annual PMK statistics on its website (usually in mid-May; www.bmi.bund.de), including those deemed to be xenophobic or anti-Semitic. This press release also provides information on right-wing *extremist* crimes and *violent* PMK/right-wing crimes.
- The State Offices and the Federal Office for Internal Security (*VerfS*) publish their state and federal annual reports with a specific focus on extremist crimes (i.e. aiming at overcoming the state). The federal annual report is published once a year, usually in late May on the internet and in a printed version. Some state offices also publish semi-annual state reports.
- The monthly parliamentary inquiries (by the Member of Parliament, Petra Pau) deliver monthly figures on politically motivated crimes/right-wing registered by the police; these figures, which are made available on the MP's website and on the website of the Bundestag, are preliminary and lie clearly below the final figures.²⁶⁸
- The latest numbers of PMK crimes which were registered by the police as “anti-Semitic” are made publicly available through the parliamentary inquiries in the Bundestag – again by Petra Pau – four times a year. These quarterly statistics are also preliminary and available online.²⁶⁹

5.3. Statistical data and information

5.3.1. Official statistics

Extreme (PMK) right wing crimes recorded by the police

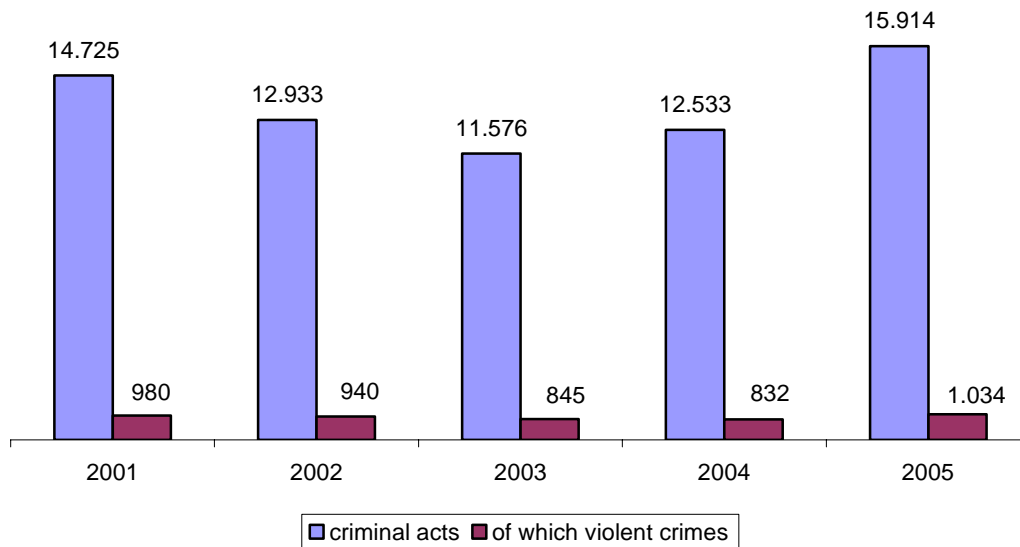
In Germany, information on racist violence and crimes is primarily based on police data. The figures on extreme right-wing, xenophobic and anti-Semitic incidents and criminal offences are recorded by the police and represent the most important source of information.

These **official statistics on politically motivated right-wing crimes** (PMK/right-wing), published by the Federal Ministry of the Interior on an annual basis, shows a drastic increase to 15,914 cases in 2005, which represents the highest number since the modification of the registration system in 2001 (2004: 12,533). The number of *violent* crimes in the category “PMK/right-wing” also increased in 2005 - for the first time since the introduction of the new registration system in 2001, and reached a historical peak (1,034). Between 2001 and 2004, the police registered continuously fewer violent PMK/right-wing crimes. In 2004, “only” 832 such crimes were counted (graph 11).

²⁶⁸ These statistics contain information on, among others, xenophobic PMK crimes and the number of violent crimes and of people injured as a result of these crimes.

²⁶⁹ These figures are only available for each quarter of the year and not on a monthly basis, and contain information on, among others, the total number of antisemitic crimes and those which are registered as violent crimes as well as the number of people injured.

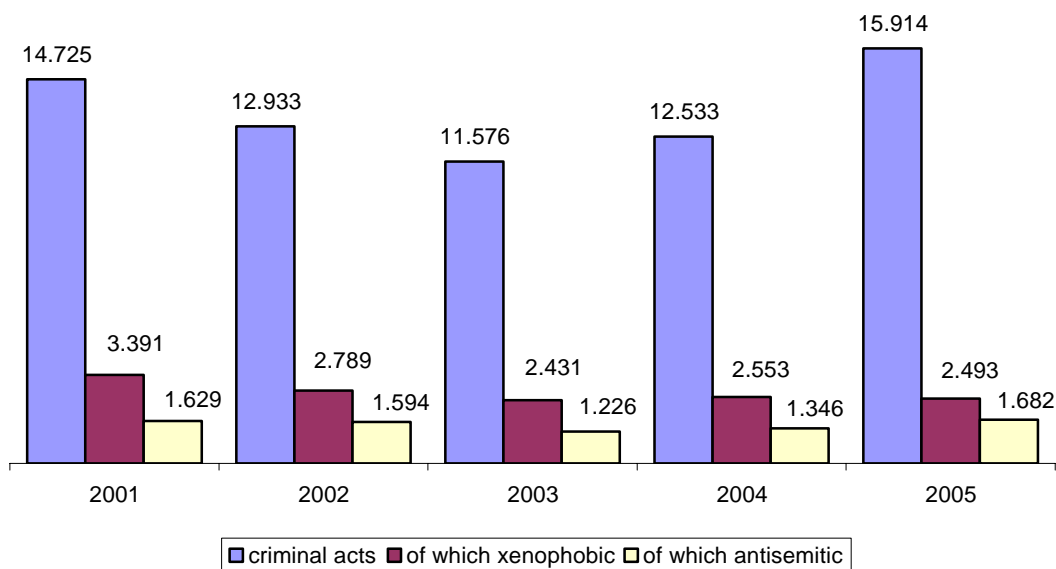
Graph 11: All PMK right-wing (violent) crimes



Source: VerfS Reports

The number of PMK/right-wing crimes with a **xenophobic** background dropped from 3,391 in 2001 to 2,431 in 2003. After a moderate increase in 2004, the number dropped again slightly in 2005 to 2,493 cases. The number of right-wing crimes deemed to be **anti-Semitic** decreased between 2001 (1,629) and 2003 (1,226). In 2004 and 2005 the figures show a rising tendency; in 2005, the figures reached the highest level (1,682) since the modification of the registration system in 2001 (graph 12).

Graph 12: All (xenophobic and anti-Semitic) PMK/right-wing crimes



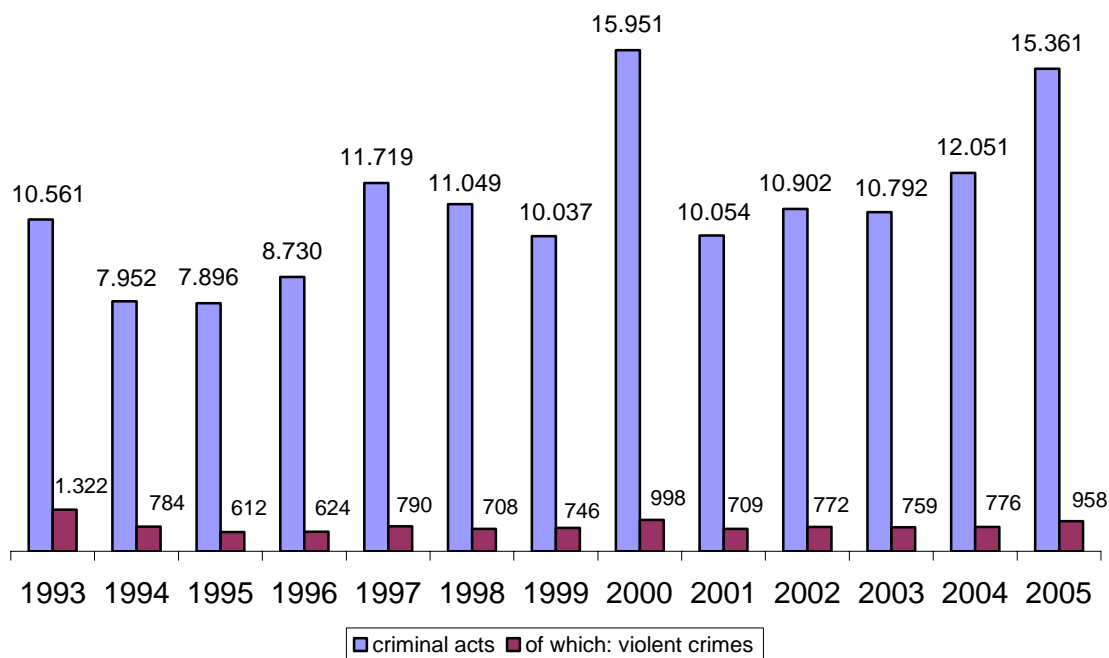
Source: Press releases BMI 14.05.2002, 13.05.2004, 09.05.2005, and 10.05.2006

Right-wing extremist crimes

The State Offices and the Federal Office for Internal Security (*VerfS*) publish statistics within the scope of their annual reports which are based on the police registration system PMK. Nevertheless, they are presented under this section since these figures presented by the *VerfS* specifically emphasise those PMK crimes which are categorised as “**extremist**” (i.e. aiming at overcoming the state).

For 2005, the official statistics on right-wing extremist crimes display an upward tendency. Since 2003, the figures for right-wing extremist crimes have increased drastically to 12,501 in 2004 and 15,361 in 2005. The number of such crimes which were registered as “violent” grew, too: in 2005 the police registered 958 such violent crimes (2004: 776), which represents the highest number since 2001 (graph 13; differentiated by type of crime: table 22; differentiated by federal states: graphs 14 and 15).

Graph 13: Right-wing extremist (violent) criminal acts (1993-2005)



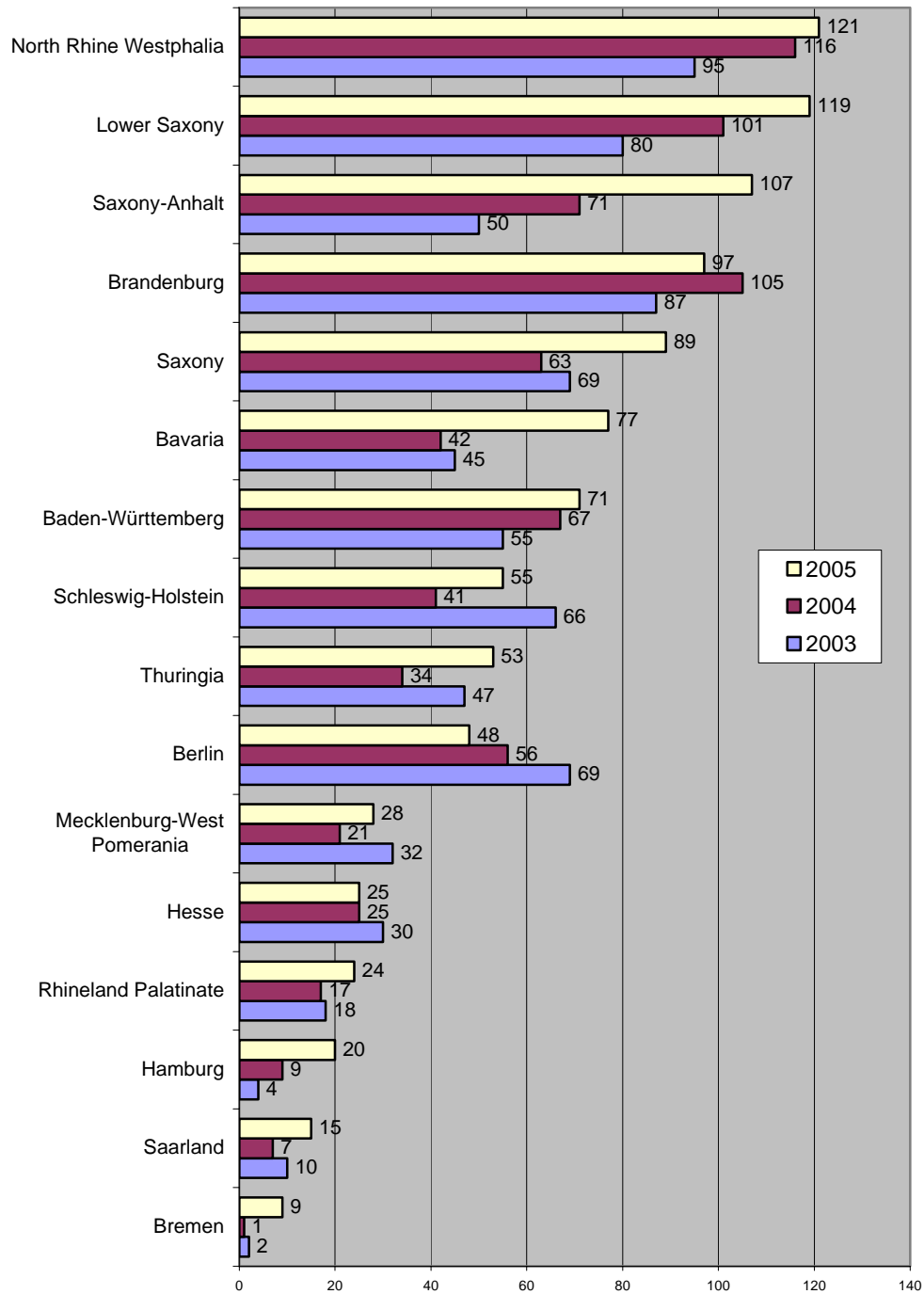
Source: *VerfS Reports*

Table 22: Politically motivated criminality – right-wing: Violent acts and other offences with extremist background in 2005

Type of crime	2003	2004	2005
Violent crimes (total)	759	776	958
Murder/man slaughter	0	0	0
Attempted murder/man slaughter	7	6	2
Bodily harm	637	640	816
Arson	24	37	14
Causing an Explosion	0	2	3
Other violent crimes	91	91	123
Other (non-violent) offences (total)	10,033	11,275	14,403
Damage of Property	225	243	445
Threat/coercion	93	97	90
Propaganda offences	7,551	8,337	10,881
Disturbing the Peace of the Dead	26	20	30
Other crimes, mainly Incitement of the people	2,138	2,578	2,957
Total number of PMK right-wing crimes with an extremist background	10,792	12,051	15,361
Total number of all PMK right-wing crimes	11,576	12,553	15,914

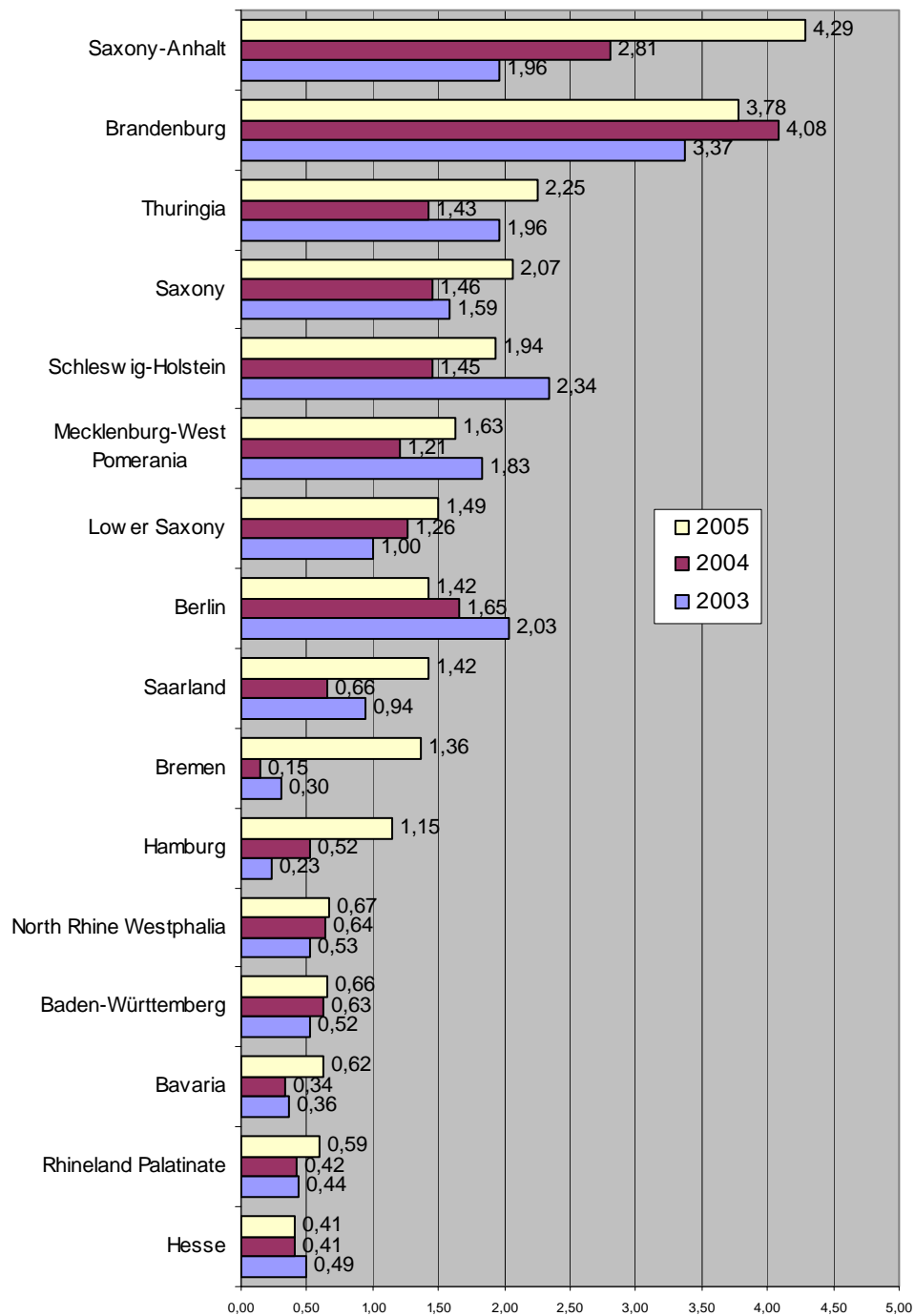
Source: Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2004 and 2005; numbers based on the statistics of the Federal Criminal Office (Bundeskriminalamt)

Graph 14: Violent crimes with an extremist right-wing background according to federal states 2003-2005



Source: Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2004 and 2005

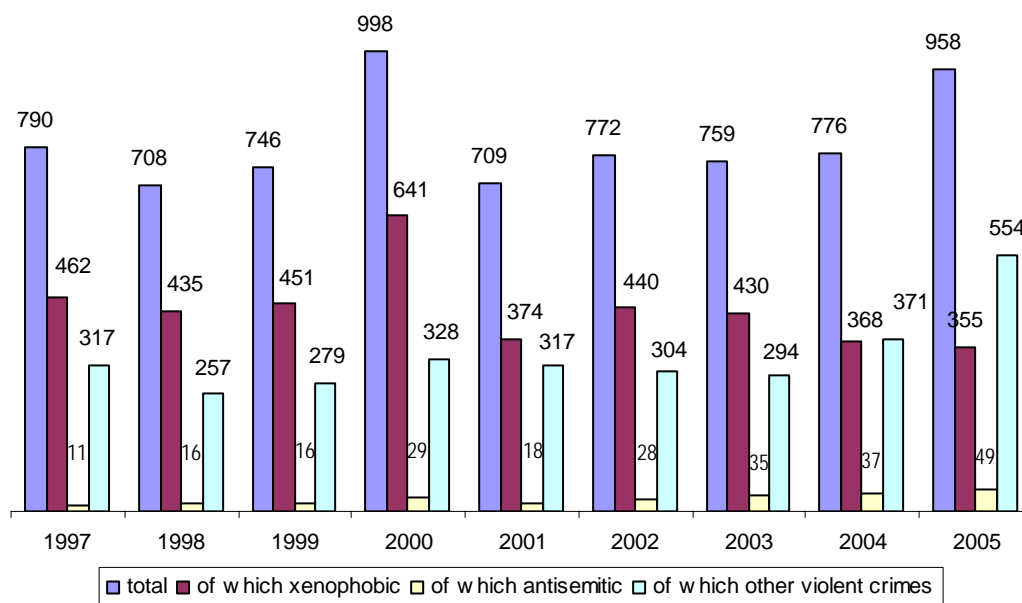
Graph 15: Violent crimes with an extremist right-wing background according to federal states per 100,000 inhabitants



Source: Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2004 and 2005

Since 2002 the figures on right-wing extremist violent crimes with a **xenophobic** background has shown a continuous downward trend (2005: 355). In contrast, the number of extremist violent crimes with an **anti-Semitic** background has shown a continuous increase since 2001 – from 18 such crimes in 2001 to 49 in 2005 (graph 16).

Graph 16: Right-wing extremist violent crimes 1997-2005



Source: VerfS Reports

Latest Development in the 2006 (January to November)

The latest official figures available on politically motivated right-wing crimes cover the first eleven months of 2006. They are preliminary; the final numbers will be significantly higher.

Between January and November 2006, 11,254 **politically motivated right-wing crimes** were counted by the police, i.e. an increase of 19% compared to the first eleven months of the previous year. The figures of right-wing crimes deemed to be violent grew by 24% to 657. The number of right-wing crimes which were assessed by the police as **xenophobic** rose drastically in 2006: Whereas 1,294 such crimes were registered in the first eleven months of 2005, the police counted 1,928 such xenophobic crimes in the comparable period of 2006. This represents an increase of 49%. 327 of these xenophobic crimes were categorised as **violent**, i.e. 53% more than between January and November 2005 (214). In the first eleven months of 2006, 219 people were injured as a result of these xenophobic violent crimes (table 23).²⁷⁰

The police registered a total of 746 **anti-Semitic** politically motivated right-wing crimes for the first nine month of the year. This represents a slight decrease compared to 2005, when 790 anti-Semitic politically motivated right-wing crimes were registered by the police during the comparable period. Between January and September 2006, 15 anti-Semitic crimes were

²⁷⁰ www.petra-pau.de/16_bundestag/dok/down/2006_zf-rechtsextreme-straftaten.pdf (04.01.2007)
www.petrapau.de/16_bundestag/dok/down/2005_zf-rechtsextreme-straftaten.pdf (04.01.2007)

categorised as violent crimes; eight people were injured as a result of these crimes (January - September 2005: 17 people injured).²⁷¹

Table 23: Politically motivated right-wing crimes (Jan. –Nov. 2006)

	Criminal acts			
	Total number		of which xenophobic criminal acts	
		of which violent crimes		<i>among those: violent crimes</i>
January	807	54	107	18
February	953	43	183	17
March	915	28	139	11
April	814	55	133	25
May	1,177	88	201	43
June	1,235	67	240	39
July	1,048	50	200	29
August	1,045	67	164	33
September	1,019	70	184	40
October	1,141	71	197	39
November	1100	64	180	33
Total	11,254	657	1,928	327
<i>previous year (I-XI 2005)</i>	9,453	531	1,294	214
<i>Changes compared to previous year (I-XI 2005)</i>	+19.1%	+23.7%	+49.0%	+52.8%

Source: BMI (preliminary data)

Prosecutions related to right-wing crimes recorded by the authorities

At the request of the Federal Ministry of Justice, the state legal authorities (*Landesjustizverwaltungen*) register cases of investigations launch by the public prosecutor due to – alleged or actual – right-wing extremist, xenophobically motivated crimes. The most recent statistics stem from 2003; they are presented in section 5.1.

²⁷¹ www.petra-pau.de/16_bundestag/dok/down/2006_zf_antisemitische_straftaten.pdf (27.11.2006)
www.petra-pau.de/16_bundestag/dok/down/2006_zf-rechtsextreme-straftaten.pdf (24.11.2006)

5.3.2 Unofficial statistics

In addition to the official statistics, several victim support organisations, which are all supported within the federal programme CIVITAS, compile regional statistical information on right-wing attacks in Eastern Germany. These regional figures are jointly published by the association *Opferperspektive* once a year. For 2005, these statistics for Eastern Germany display an increase in the number of right-wing attacks. Almost 90 percent of these attacks were cases of bodily harm. Compared to 2004, the number of victims also increased to 910 (2005). According to *Opferperspektive*, 360 victims were attacked for racist reasons and six people were victims of anti-Semitic attacks (table 24).

Table 24: Unofficial statistics on right-wing attacks (Eastern Germany)

	2003	2004	2005	I-VI 2006
Total number of right-wing attacks (based on the organisations' research)	563	551	637*	391
Number of victims	808	805	910	of which: 129 with a "racist motivation"; 2 with an "anti-Semitic motivation"
among those:				
<i>victims of racist violence</i>	337	285	360	
<i>victims of anti-Semitic violence</i>	8	5	6	

Source: Press releases *Opferperspektive* 20.02.2004, 09.02.2005; 13.02.2006, 14.09.2006

* The number of right-wing attacks registered in 2005 was corrected in the latest press release from 614 to 637.

5.3.3 Victims and perpetrators

(1) Victims

There is a lack of systematic official data and information on **victims** of racist crimes. The official PMK police statistics solely provide **proxy data** based on the categorisation of a crime as xenophobic or anti-Semitic.

In its second and third country report on Germany (published in 2001 and 2004), **ECRI** identified two main groups of victims vulnerable to xenophobically motivated violence in Germany: members of the Jewish community and visible minorities.²⁷² According to aforementioned **unofficial data** on victims of extreme right-wing attacks, most victims of such attacks are between 18 and 26 years old and predominately male (between 75 and 85%).²⁷³ In addition, two **research studies** are to be mentioned which contain further

²⁷² ECRI (2004) Second report on Germany (adopted on 15 December 2000), in: ECRI (2004) *ECRI'S country-by-country approach. Compilation of second round reports 1999-2003*, Strasbourg: Council of Europe, p.139; ECRI (2004) *Third Report on Germany adopted on 5 December 2003*, Strasbourg: Council of Europe, pp. 22-23.

The NFP's continuing analysis of German media reports on extreme right-wing and xenophobic attacks supports the assumption that those people who are visually perceived as member of a minority group are significantly more vulnerable than others: people with dark skin seem overrepresented in the media reports on right-wing attacks.

²⁷³ See, for instance, the joint statistics of all CIVITAS supported victim support organisations in Eastern Germany, published by the association *Opferperspektive* (press release 13.02.2006) or the

information on victims of extreme right-wing and xenophobic crimes (Peucker/Gaßebner/Wahl in 2001 and Willems/Steigleder in 2003, see footnote 201). The results of both studies were presented in the RAXEN 4 National Analytic Study on Racist Violence and Crimes (2003).²⁷⁴

(2) Perpetrators

No systematic official or unofficial data on **perpetrators** are available. The only relevant data source is the estimated number of people categorised by the Office for Internal Security (VerfS) as “belonging to the extreme right-wing milieu” and – more specifically – those “with a disposition to use violence”. However, these estimations offer only information on *potential* perpetrators.²⁷⁵ According to estimations of the VerfS, the majority of those extreme right-wing people who display a disposition to use violence against people perceived as foreigners, migrants or minorities belong to the **skinhead** milieu.²⁷⁶ Skinheads usually do not have a closed and explicit right-wing extremist attitude in a political sense; they rather belong to a sub-culturally dominated and aggressive milieu which is mainly characterised by a strong stance against society and minorities. Skinheads are barely organised in structured associations, but mostly belong to rather informal groups.²⁷⁷

The research studies by Peucker/Gaßebner/Wahl (2001) and Willems/Steigleder (2003) confirmed that the majority of perpetrators are not directly affiliated to an extreme right-wing organisation, but belong to more informal skinhead group or other xenophobic cliques.²⁷⁸ The most recently published report “Right-wing Extremism in Potsdam 1992-2005” identified – in addition to skinheads and neo-Nazis – people of an extreme right-wing dominated youth culture as the largest group of perpetrators, which “partly tend to extremely brutal violence” and are barely (politically) organised.²⁷⁹

2005 annual report of the Leipzig-based victim support organisation at the RAA Saxony (Opferberatung Leipzig, RAA Sachsen e.V., Jahresbericht 2005, Leipzig, p. 12).

²⁷⁴ Available at: <http://fra.europa.eu/fra/material/pub/RAXEN/4/RV/CS-RV-NR-DE.pdf> (31.10.2007)

²⁷⁵ In 2005, the VerfS estimates that there are 10,400 right-wing extremists with a disposition to use violence (mainly skinheads). For further information see RAXEN Special Study 2006.

²⁷⁶ The Bavarian VerfS estimates that 80% of all right-wing extremist violent crimes are committed by Skinheads (Bayern, Staatsministerium des Innern, Landesamt für Verfassungsschutz (2005) *Neonazismus und Rechtsextremistische Gewalt*, p. 29)

²⁷⁷ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2004, pp. 27-28, 42-43

²⁷⁸ Willems, H. and Steigleder, S. (2003a) “Jugendkonflikte oder hate crime? Täter-Opfer-Konstellationen bei fremdenfeindlicher Gewalt”, in: *Journal für Konflikt- und Gewaltforschung*, Vol. 5, No. 1/2003, pp. 5-28 (here: pp.13-14) The research study on right-wing extremist and xenophobic crimes conducted by the German Youth Institute is based on data stemming from 1997 and is therefore not presented here (Peucker, C.; Gaßebner, M; Wahl, K. (2001) “Analyse polizeilicher Ermittlungsakten zu fremdenfeindlichen, antisemitischen und rechtsextremistischen Tatverdächtigen”, in Wahl, K. (ed.) *Fremdenfeindlichkeit, Antisemitismus, Rechtsextremismus. Drei Studien zu Tatverdächtigen und Tätern*, Berlin, pp. 12-88). Both studies contain detailed information on extreme right-wing perpetrators based on sociological research studies; see National Analytic Study on Racist Violence and Crimes (2003), RAXEN 4 and Special Study 2006

²⁷⁹ Forschungsgruppe Rechtsextremismus at the University of Potsdam (2006) *Rechtsextremismus in Potsdam 1992 bis 2005. Eine Chronologie*, Potsdam, p.16

5.4. Reports and studies

The most significant report on racist violence and crimes is the **Annual Report of the Federal Office for Internal Security (VerfS)** which serves as the main source of statistical data and background information on right-wing extremist, anti-Semitic and xenophobic crimes. The main figures are presented in this RAXEN report in section 2.5.2. The *VerfS* Annual Report also offers information on right-wing extremist organisations and extreme right-wing political parties as well as background information on anti-Semitic and xenophobic incidents and disseminated material.

Reports of international organisation

The **European Network Against Racism (ENAR)** published its “Shadow Report 2005. Racism in Germany” in 2006. The author criticises German immigration policy, presents statistical data and information on the “manifestations of racism” (i.e. disparities between Germans and non-Germans, for instance in employment, housing, education and health) and assesses the (political) responses.²⁸⁰ In addition to this shadow report on Germany, ENAR also published two shadow reports on racism and Islamophobia in Europe²⁸¹ which refer, among others, to Germany. Furthermore, the **OSCE/ODIHR** released the report “Hate-motivated Incidents in the OSCE region. A Preliminary Report on Challenges and Responses”²⁸² which also contains some scattered information on Germany.

National reports on xenophobia, Islamophobia and related issues

In January 2006, the results of the fourth round of the **longitude survey GMF** (“*Gruppenbezogenen Menschenfeindlichkeit*”, 2002-2012) conducted by the Interdisciplinary Institute for Conflict and Violence Research (University of Bielefeld) were published.²⁸³ The core aim of the GMF survey is to analyse the level and long-term development of, among others, xenophobic, anti-Semitic and Islamophobic attitudes in German society. Generally speaking, the latest findings reveal a rising tendency.²⁸⁴ The publication also provides survey data particularly on the interviewees’ attitudes towards Muslims and the Islamic faith²⁸⁵, and encompasses chapters on the relationship between attitudes and the disposition to discriminate, as well as several case studies and background reports on related issues.

²⁸⁰ Hieronymus, A. (2006) ENAR Shadow Report 2005. Racism in Germany; available at: www.enar-eu.org/en/national/germany/Germany_2005.pdf (09.08.2006)

²⁸¹ Al-Hassani, S. (2006) ENAR Shadow Report 2005. Islamophobia in Europe; available at: www.enar-eu.org/en/national/eu/Islamophobia_in_Europe_2005.pdf (09.08.2006); ENAR (2006) Racism in Europe. Shadow Report 2005 (author: Lynch, C.); available at: www.enar-eu.org/en/publication/shadow_reports/europe2005_EN.pdf (09.08.2006)

²⁸² OSCE/ODIHR (2006) *Hate-motivated Incidents in the OSCE region. A Preliminary Report on Challenges and responses. Report of the Director of the OSCE Office for Democratic Institutions and Human Rights to the 615th Meeting of the OSCE Permanent Council, June 29, 2006* (ODIHR. GAL/41/06)

²⁸³ Heitmeyer, W. (ed.) (2006) *Deutsche Zustände. Folge 4*, Frankfurt/Main: Suhrkamp

²⁸⁴ One example: In 2005, 61% of the interviewees (rather or fully) agreed with the statement “too many foreigners are living in Germany” (2004 and 2002: 55%).

²⁸⁵ 74% disagreed with the statement that “Muslim culture does fit into our Western world” (2004: 70%). In 2005, 21% even expressed the opinion that it would be better if no Muslims at all were living in Germany. However, the proportion of interviewees who stated that they “would have a problem with moving to a neighbourhood where many Muslims live” decreased from 58% (2004) to 47% in 2005.

The results of a sub-project within this longitude GMF project were published as a separate report on **xenophobic, racist and anti-Semitic attitudes** particularly **in the federal State of Saxony** in April 2006.²⁸⁶ The report, which strives to contribute to more effectiveness of the Saxony state programme “Cosmopolitan Saxony for Democracy and Tolerance”, showed that xenophobic and racist attitudes are more common in Saxony than in the Western states (on average).²⁸⁷ The study revealed that in Saxony, xenophobic, racist and Islamophobic attitudes are more frequent among women than among men (who, on the other hand, appear more anti-Semitic), and that older interviewees displayed significantly more anti-Semitic, Islamophobic, racist and xenophobic attitudes than young people.

In June 2006, the results of an empirical research study on the **political orientation and attitudes** of 13 to 16 year-old pupils in Saxony-Anhalt and NRW were published within the edited volume “*Unpolitische Jugend?*”. A central research question was on the relationship between a multicultural composition of the pupil population of a school and the development of the pupils’ xenophobic attitudes. Based on a multilevel analysis of the collected data, the researchers found out that “mainly friendships” and “positive experiences in everyday life with foreigners” counteract the development of xenophobic attitudes, i.e. the “quality of the contacts, interactions, relationships and also friendships” are the decisive factor.²⁸⁸

The **Federal Commissioner for the Armed Forces** (*Wehrbeauftragter*) presented its 47th annual report in the German Parliament on March 14, 2006; this report contains one relevant section on extreme right-wing and xenophobic incidents: according to the report, in 2005 147 “incidents” with an alleged right-wing extremist or xenophobic background were registered within the military service – predominately propaganda offences, but also some cases of racist insults and even violence. In 2004, 134 right-wing extremist or xenophobic incidents were registered.²⁸⁹

Selected publications on right-wing extremism

Several reports and publications on right-wing extremism were published in Germany in 2006. In the following we present two significant examples:

A symposium at the Hamburg-based Institute for Social Research served as the basis for the compilation of the **edited volume “Moderner Rechtsextremismus in Deutschland”**.²⁹⁰ The different perspectives of the individual authors on the issue of right-wing extremism illustrate the “inner heterogeneity” of the phenomenon. The individual contributions deal with, among others, the strategies of right-wing active individuals and groups, the election success of extreme right-wing parties, role images of young right-wing radicals and the self-perception of the right-wing milieu; the issue of civil society strategies against right-wing tendencies is also covered.

In April 2006, the research group “Rechtsextremismus” at the University of Potsdam published the report “**Rechtsextremismus in Potsdam 1992 bis 2005. Eine**

²⁸⁶ Stichts, A. (2006) Gruppenbezogene Menschenfeindlichkeit in Sachsen (2002-2005); im Rahmen der Evaluation des Programms „Weltoffenes Sachsen für Demokratie und Toleranz“.

²⁸⁷ 65.4% of all interviewees in Saxony (rather or fully) agree that “too many foreigners are living in Germany” (average in Western Germany: 56.4%) and 17.3% agree with the statement “It is justified that white people are dominant in the world” (Western German average: 15.0%).

²⁸⁸ Frizsche, S. (2006) „Multikulturelle Schülerschaft und Fremdenfeindlichkeit“, in: Helsper, W. et al.: *Unpolitische Jugend? Eine Studie zum Verhältnis von Schule, Anerkennung und Politik*, Verlag für Sozialwissenschaften: Wiesbaden, pp. 75-96 (quotes: pp. 95-96)

²⁸⁹ Germany, Bundestag, printed matter 16/850 (14.03.2006); available at: <http://dip.bundestag.de/btd/16/008/1600850.pdf> (09.08.2006)

²⁹⁰ Klärner, A.; Kohlstruck, M. (eds.) (2006) *Moderner Rechtsextremismus in Deutschland*, Hamburg Edition HIS Verlagsgesellschaft mbH: Hamburg

Chronologie“.²⁹¹ This report presents an overview of extreme right-wing activities (registered PMK crimes: violent crimes, propaganda offences, as well as groups of people involved) in the Potsdam region (Brandenburg) between 1992 and 2005. The largest part of the report consists of an attached list of registered extreme right-wing attacks.

5.5. Policies, measures and initiatives combating racist violence and crime

5.5.1 Institutional policies and measures

The institutional policies against racist crime, anti-Semitism and Islamophobia have not changed in 2006²⁹²: In 2001, the Federal Government presented a comprehensive concept on “Combating Right-wing Extremism, Xenophobia, Anti-Semitism and Violence” which is still in place.²⁹³ This concept encompasses four “pillars”:

1. Human rights policy
2. Supporting and strengthening civil society (e.g. federal action programme “Youth for Tolerance and Democracy”, National Round Table “Forum against Racism”)
3. Promoting the integration of foreigners
4. Measures aiming at the perpetrators and their milieu²⁹⁴

Within the framework of this concept numerous activities have been continued or initiated in 2006. A selection of significant activities will be presented in the following.²⁹⁵ Generally speaking, the struggle against racist crimes and anti-Semitism in Germany occurs primarily as an (explicit or implicit) element of the fight against right-wing extremism.

(a) Combating racist/xenophobic offending

Repressive offender-focussed measures

Repressive and law enforcement measures represent a core element of the institutional policies against right-wing extremism, xenophobia and anti-Semitism. Important tools in this struggle are, for instance, the banning of extreme right-wing organisations and publications and the legal ban on extreme right-wing demonstrations in certain areas.

In early July 2006, the Brandenburg State Ministry of the Interior officially banned the **right-wing extremist organisation** *Schutzbund Deutschland*, which was founded in 2005 by former members of the extreme right-wing party NPD who considered the NPD not “racist enough”. The *Schutzbund Deutschland* has released numerous publications (e.g. leaflets and online-documents) with neo-Nazi and racist propaganda which bore a clear resemblance to the NS propaganda during the Third Reich. The State Ministry argued that the *Schutzbund*

²⁹¹ Forschungsgruppe Rechtsextremismus at the University of Potsdam (2006) *Rechtsextremismus in Potsdam 1992 bis 2005. Eine Chronologie*, Potsdam; available at: <http://fgrexup.fg.funpic.de/wp-content/uploads/studie.pdf> (09-08-2006)

²⁹² for more information see: Bosch, N. & Peucker (forthcoming) *Combating ethnic discrimination and promoting equality in Germany. Trends and developments 2000 – 2005* (http://web.uni-bamberg.de/~ba6ef3/pdf/Special%20Study_2006.pdf)

²⁹³ Germany, Bundestag, printed matter 15/4957 (24.02.2005)

²⁹⁴ Germany, Bundestag, printed matter 14/9519 (14.05.2002)

²⁹⁵ This chapter will pay particular attention to the fields of activities “Supporting and strengthening civil society” and “Measures aiming at the perpetrators and their milieu”.

Deutschland aimed at undermining the constitutional order in Germany in an aggressive way.²⁹⁶

A few federal states have introduced (or are planning to do so) a state law which prohibits **extreme right-wing demonstrations** at locations which are of importance for the commemoration of victims of the Nazi regime, provided that the demonstration affects the dignity of the victims of the NS regime. The legal basis for such a general ban was introduced with the amendment to the Public Meeting Act in March 2005 (§ 15 II *Versammlungsgesetz*; see also chapter on legal issues). The **Berlin** Senate passed a pertinent law in May 2006 which enables the authorities to ban neo-Nazi demonstration at 14 memorial sites in Berlin (e.g. at the Jewish Museum and the memorial in front of the Jewish Community).²⁹⁷

In addition to these general legal bans on neo-Nazi demonstrations at certain sensitive locations, the courts have often **prohibited** such **demonstrations** on a case-by-case basis. Since the expansion of Section 130 Criminal Code (Incitement of the People) in March 2005, the courts have a stronger legal basis for such a ban.²⁹⁸ In August 2006, for instance the Bavarian Administrative Court prohibited the planned right-wing demonstration in Wunsiedel (a small town in East Bavaria, where Hitler's deputy Hess is buried) arguing that such an event would represent a violation of Section 130 (4) of the Criminal Code (i.e. violation of the dignity of NS victims).²⁹⁹

Another institutional tool for combating racist offences (e.g. incitement of the people) is the ban on certain media (publications, CDs etc.): In 2005, the Federal Department for Media Harmful to Young Persons (BPjM), an official authority of the German government in charge of monitoring media and – if necessary – putting harmful publications on the index³⁰⁰, **prohibited** 84 **media** based on the assessment that they contain statements of racism or glorification of NS ideology or the NS regime – three brochures, one book, 15 DVD/videos and 65 CDs.³⁰¹

Preventive measures: information campaigns

Information and awareness raising campaigns represent another core element of the institutional policies against xenophobia and right-wing extremism. The **nationwide awareness raising campaign** “Wölfe im Schafspelz” was launched in February 2006 and received a great deal of public attention. In late 2005, the federal and all federal state Ministries of the Interior (IMK) agreed on this nationwide campaign which mainly addresses teachers and pupils (seventh grade and older); it encompasses two DVDs, one with a movie, and one with a documentary on right-wing extremism and its manifold forms of appearance. Furthermore, the pupils are encouraged to participate in a competition called “TV spot against Right-wing”. The concept of this campaign was developed by the police (specialised

²⁹⁶ Press release, Brandenburg, State Ministry of the Interior, No. 109/2006, 04.07.2006

²⁹⁷ The State of Brandenburg is planning to introduce such a legal ban on a neo-Nazi demonstration at the graveyard for soldiers in the city of Halbe, the largest such graveyard in Germany, where demonstration of extreme right-wing groups have happened regularly. In most cases, the courts in charge have given their permission for such demonstrations (taz berlin lokal 18.07.2006, p. 21).

²⁹⁸ Section 130 IV StGB was added according to which it is prohibited to publicly violate the dignity of the victims by justifying, glorifying or endorsing the NS regime

²⁹⁹ Bayerischer Verwaltungserichtshof, 24 CS 06.1965 (10.08.2006)

³⁰⁰ More information on the BPjM is available at: <http://www.bundespruefstelle.de/bpjm/information-in-english.html>

³⁰¹ Germany, Bundestag, printed matter 16/613 (10.02.2006)

unit on crime prevention) as a response to the intensified efforts of right-wing groups to address pupils.³⁰²

The **Berlin** State Ministry for Education created the flyer “**Right-wing Extremism and Youth Violence**” which explicitly addresses parents. The flyer informs parents on questions such as how to recognise whether their child is in contact with the right-wing milieu and what to do against it (including contact addresses of organisations which offer assistance).³⁰³

(b) Victim-focussed measures

No new institutional measures focussing on the needs of victims of xenophobic crimes were launched in 2006.

(c) Further relevant support and institutional measures

The most important federal support programme in the struggle against right-wing extremism, xenophobia and anti-Semitism, the action programme “Youth for Tolerance and Democracy”, will expire at the end of 2006. In early 2006, the Federal Government announced its intention to continue its **support activities** and to set up a similar programme called “Youth for Diversity, Tolerance and Democracy – against Right-wing Extremism, Xenophobia and Anti-Semitism”.

The ministry announced that this follow-up programme will pay special attention to preventive and educational issues and particularly target young people.³⁰⁴ Innovative (local) model project shall be supported for a limited period of time; another focus will be the “recognition of civil engagement”.

Migrants or minorities appear only once in the draft programme – as target groups of political education, but not as (potential) victims of xenophobic attacks (as was the case within the CIVITAS programme as an element of the previous action programme).³⁰⁵ Tried and tested so-called structural projects (e.g. mobile advisory teams, victim support organisations), are not expected to be financially supported under the new programme any longer due to the funding principle of the federal government.

In August 2006, a specialised **working unit** (No. 203-A) in charge of Holocaust issues, monitoring and combating Anti-Semitism and the exchange with Jewish organisations in Germany was established within the “Political Department” of the **Federal Ministry of**

³⁰² Press release, Bayern, Ministry of the Interior, No. 3/2006, 14.02.2006; see also IMK decision; available at:

www.stmi.bayern.de/imperia/md/content/stmi/ministerium/imk/beschluesse/051209_imk.pdf

(18.08.2006); in Saxony, for instance, some 800 of these “information packages” were distributed by the State Ministry for Education to schools (press release No. 033/2006 on 31.03.2006; *taz* 30.03.2006, p. 6).

³⁰³ Berlin, Senatsverwaltung für Bildung, Jugend und Sport, press release 29.06.2006; the flyer is available at:

www.sensjs.berlin.de/jugend/landeskommission_berlin_gegen_gewalt/gewaltpraevention/gewalt_gegen_minderheiten/eltern/elternflyer_rechtsextremismus.pdf (11.10.2006)

³⁰⁴ Press release, Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (09.03.2006)

³⁰⁵ In a draft description of the new support programme the following thematic fields are listed:

- Social integration and participation of young people
- Intercultural learning/anti-racist education
- Inter-religious learning
- Cultural and historical identity
- Working with young people who are in danger of tending to right-wing extremism
- Research.

Germany, Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (2006) *Förderung von Vielfalt, Toleranz und Demokratie* (internal, unpublished paper), 04.05.2006

Foreign Affairs. With the instalment of this working unit, the activities of the federal ministry in the field of anti-Semitism and Holocaust remembrance, which used to be spread among various units and departments, were combined.³⁰⁶

On the local level, the specialised **coordination body against right-wing extremism**, POLIS, was installed in the **Berlin district of** Marzahn-Hellersdorf – the first body of this kind in Berlin. With some €90,000 allotted until 2007, this new institution is commissioned to conduct information and awareness raising and training events for young people, teachers and parents. The body cooperates closely with non-governmental organisations engaged against right-wing and xenophobic tendencies and aims at establishing a close and sustainable network of various actors and organisations which can react promptly to extreme right-wing incidents.³⁰⁷

5.5.2. Significant initiatives

(a) Combating racist/xenophobic offending and raising awareness

Several examples for **information** and **awareness raising activities** are presented in the section above as part of the institutional policy to combat racism and right-wing extremism. Awareness raising activities (e.g. workshops) and information campaigns (e.g. publications) are not only initiated by official institution and ministries, but also by local and national non-governmental organisations. The antiracism organisation *Gesicht zeigen!*, for instance, conducted **expert workshops** and **conferences** on how to establish and strengthen civil networks in order to prevent and combat extreme right-wing and xenophobic violence.³⁰⁸ Furthermore this association has published information materials on extreme right-wing developments and ways to counteract them.³⁰⁹

An innovative approach has been taken by the Amadeu-Antonio Foundation and its online-platform *Mut-gegen-rechte-Gewalt* within the project “Young media with courage” which targets young **editors of pupils’ magazines** from all over Germany. In August 2006, the foundation organised a workshop for some 20 editors to provide them with comprehensive information on racism and right-wing extremism and encourage them to write about these issues. As a final product of the workshop, a special edition of the national youth magazine “politikorange” with a focus on right-wing extremism is about to be published. Furthermore, the platform *Mut-gegen-rechte-Gewalt* has announced a competition among pupils’ magazines and has donated a special award for those magazines and articles which deal with the topics of racism and right-wing extremism in an exemplary way. This project contributes – according to the foundation – successfully to more awareness of these issues among young editors; moreover, such media-related projects seem to have a sustainable effect.³¹⁰

³⁰⁶ OSCE/ODIHR (2006) *Hate-motivated Incidents in the OSCE region. A Preliminary Report on Challenges and responses. Report of the Director of the OSCE Office for Democratic Institutions and Human Rights to the 615th Meeting of the OSCE Permanent Council, June 29, 2006* (ODIHR. GAL/41/06), p. 21; further information was gained through a phone call with preventatives of the working unit 2003-A on August 10, 2006.

³⁰⁷ Press release, Berlin District of Marzahn-Hellersdorf (09.02.2006); available at: www.berlin.de/ba-marzahn-hellersdorf/aktuelles/presse/archiv/20060209.1500.34899.html (16.08.2006)

³⁰⁸ Expert conference “Netzwerken – leicht gemacht” on May 31 and June 1, 2006 in Berlin

³⁰⁹ Gesicht zeigen!, Die schlaunen Hefte, Heft 3 “Rechtsextremismus – Hintergründe und Gegenstrategien” (www.gesichtzeigen.de/frameset.htm) (11.10.2006)

³¹⁰ Kulick, H. (2006) Extrem. Bundesweite Schülerzeitung zum Thema Rechtsextremismus in Arbeit; available at: *Mut gegen Rechte Gewalt* (07.06.2006), www.mut-gegen-rechte-gewalt.de/artikel.php?id=3&kat=10&artikelid=2484; further information provided by Mr. Kulick.

Within the framework of the initiative “Our City against Racism”³¹¹ (coordinated by ActionCourage), pupils from several schools in Bremen which all hold the title “School against Racism – School with Courage” (see previous RAXEN Reports, e.g. Special Study 2006) started a project striving to expand the concept of “schools against racism” in the Bremen State Parliament, i.e. more than 70% of the Members of Parliament had to sign a declaration which obliges him/her to contribute actively to the **struggle against racism** and discrimination in Bremen. Furthermore, the MPs had to declare that they will intervene in racism-related conflicts as well as to organise awareness-raising events for young people on a regular basis. In late January 2006, the pupils managed to collect signatures of all members of the Bremen State Parliament – which makes the State Parliament of Bremen the first **“Parliament against Racism”** in Germany.³¹²

Civil society structures at the local level play an important role in the struggle against right-wing extremism, racism and racist offending. In numerous cities, civil initiatives and networks have been established which aim at increasing awareness among their citizens and strengthen civil engagement against racism and the right-wing milieu particularly in their local context. In some cases, these networks were initiated by the municipality (e.g. Rathenow³¹³), other initiatives are typical grass-root organisation (e.g. Aktion Zivilcourage in Pirna³¹⁴). In many cases, young people are particularly engaged in these kinds of activities (e.g. J.e.P. “Youth Engaged in Potsdam”³¹⁵ or “Aktionsbündnis Courage” in Pößneck³¹⁶).

On the local and regional level, numerous **public events** against right-wing extremism and racism (demonstration, musical festivals, etc.) have been carried out – often within the framework of such local civil networks. In many cases, these public events are organised as a reaction to extreme right-wing and xenophobic activities; for instance, countless **anti-Nazi demonstrations** have taken place in numerous cities (e.g. in Cham in June 2006 or in Delmenhorst in August 2006; in both cities right-wing extremist announced their intention to purchase property)³¹⁷ or **demonstrations of solidarity** after xenophobic attacks (e.g. in Potsdam after the attack of 37-year-old German of Ethiopian origin on the Easter weekend).

In addition, similar workshops have been carried out for editors of local and regional newspapers. In June 2006, the Amadeu-Antonio Foundation published, together with several associations of black people (e.g. Der Braune Mob), a manual for journalists on the correct terminology to be used when reporting on racist and right-wing extremist crimes (Der Braune Mob e.V., Black Germans in the Media and Public (2006) *Informationen für Journalisten zum korrekten sprachlichen Umgang mit rechtsextremistischen oder rassistisch motivierten Straftaten*; available at:

www.derbraunemob.info/shared/download/info_journal_rstraf.pdf) (21.08.2006)

³¹¹ www.schule-ohne-rassismus.org/stadt-ohne-rassismus.html (21.08.2006)

³¹² A similar initiative was started by pupils in the City of Chemnitz in February 2006; Schwagereit, F. (2006) Das erste Landesparlament gegen Rassismus in Deutschland, available at: www.blk-demokratie.de/schulen/schulen-hb/das-erste-landesparlament-gegen-rassismus-in-deutschland.html; www.mut-gegen-rechte-gewalt.de/druckartikel.php?id=13&kat=13&artikelid=2002 (both 16.08.2006)

³¹³ www.rathenow.de/Rathenow-zeigt-Flagge.1432.0.html (21.08.2006)

³¹⁴ <http://zivilcourage-pirna.de/cgi-bin/art.pl?idx=2> (21.08.2006)

³¹⁵ www.jep-ev.de/ (21.08.2006)

³¹⁶ www.abc-poessneck.de/ (21.08.2006)

³¹⁷ In mid-August, demonstrations of some 700 neo-Nazis in total took place in several German cities such as Berlin, Jena and Munich (for the commemoration of Hitler’s deputy Hess who died on August 17, 1987); simultaneously some 5,000 people demonstrated against these neo-Nazi demonstrations (*taz*, 21.08.2006, p. 7). In Fulda (Hesse), a neo-Nazi demonstration was cancelled by the applicant, a member of the NPD, himself – the counter demonstration of the most recently founded “action federation against neo-Nazis” (*FR*, 21.08.2006, p. 15).

(b) Victim-focussed initiatives and projects³¹⁸

In Guben (Brandenburg), a **new local contact point** for victims of extreme right-wing violence was installed by the International Youth Association Guben and the Initiative G.A.T.E. in 2006. The tasks of the new contact point encompass counselling and support offers for victims (e.g. information on sources of financial compensation, reporting the incident to the police) and assistance in finding a competent lawyer.³¹⁹

An initiative in the context of the **Soccer World Cup** received some public attention in May and June 2006: During the heated debate on “no-go areas” in the run-up to the World Cup, the African Council³²⁰ and the International League for Human Rights released *Recommendations for Precautions for Potential Victims of Racist Attacks* (in five languages) with the intention of “reducing the risk of racist attacks” particularly on people of dark skin.³²¹ The guidelines encompass general advice, emergency phone numbers, and information on what to do “in case of attack”.

Also within the framework of the Soccer World Cup, the phone line “**Racism Help Call**” was set up to provide immediate assistance to people – particularly foreign guest of the World Cup – who were attacked for racist reasons. Some 200 volunteers distributed thousands of flyers with information about the emergency hotline number or were ready to answer the phone (in six languages!). After the World Cup, 20 right-wing or racist incidents had been registered, ten of them being directly related to the World Cup. The initiative was coordinated and supported by a broad range of NGOs in Berlin and Brandenburg.³²²

Local civil networks or organisation sometimes react to racist attacks in their community by starting a **donation initiative** for the victims. In June, a network of local politicians, citizens and entrepreneurs in Ortrand (Brandenburg) initiated a donations campaign for the young Turkish owner of a Kebab bistro whose stand was burnt down in a xenophobic arson attack. The young man was also assisted in repairing the stand again by companies and individuals. In late July, the Turkish Community Germany (TGD) officially praised this local engagement as an exemplary act of solidarity.³²³

(c) Initiatives against Anti-Semitism

The Centre for Research on Anti-Semitism (University of Berlin) conducted the three-day conference “Summer University against Anti-Semitism” with presentations, workshops and excursions in September 2006. The event sought to impart “cognitive knowledge” on anti-Semitism and its various facets and targeted teachers, journalists, local politicians, and representatives of large companies and trade unions. The aim of the Summer University was to enable the participants to respond to typical anti-Semitic patterns of prejudice.³²⁴

³¹⁸ The most important initiatives which particularly address the needs of victims of racist crimes are the CIVITAS-supported victim support organisations.

³¹⁹ Opferperspektive (2006), *Schattenbericht*, May 2006, p. 4

³²⁰ The African Council is an umbrella organisation of African initiatives in Berlin-Brandenburg

³²¹ Recommendations available at: www.prevent-racist-attack.org/index_english.html (18.08.2006).

³²² (Press release, Opferperspektive, 13.07.2006; *Mut gegen Rechte Gewalt* (31.05.2006), www.mut-gegen-rechte-gewalt.de/artikel.php?id=4&kat=13&artikelid=2344 (11.10.2006))

³²³ *Tagesspiegel* (30.07.2006); Press release, Türkische Gemeinde Deutschland (TGD), 29.07.2006

Another donation initiative was organised by the victim support organisation *Opferperspektive* in April 2006, for the 37-old German of Ethiopian origin who was seriously injured in an (assumedly) racist attack in Potsdam. (Press release, Opferperspektive, 20.04.2006)

³²⁴ <http://zfa.kgw.tu-berlin.de/newsletter/pdf/news-06-06.pdf> (11.10.2006)

<i>Guide for statistical data on racist violence and crimes</i>			
<i>Official national sources</i>		<i>Unofficial sources</i>	
		<i>National</i>	<i>international</i>
Official statistics	Investigations of public prosecutor	Statistics and incidents	Incidents and complaints etc.
<p>2005</p> <p>15,914 politically motivated (extreme) right-wing crimes (PMK), of which:</p> <ul style="list-style-type: none"> • 1,034 violent crimes • 2,493 crimes with a xenophobic background • 1,682 crimes with an anti-Semitic background <p>15,361 of these 15,914 extreme right-wing crimes were categorised as “extremist” (of which 958 violent crimes); among these right-wing extremist violent crimes:</p> <ul style="list-style-type: none"> • 355 violent crimes with a xenophobic background • 49 violent crimes with an anti-Semitic background <p>First half year 2006 (preliminary data!)</p> <p>5,901 politically motivated right wing crimes, of which:</p> <ul style="list-style-type: none"> • 335 violent crimes • 1,003 crimes with a xenophobic background (among those 153 violent crimes) • 460 crimes with an anti-Semitic background (among those seven violent crimes) 	<p>2003</p> <p>(latest figure available)</p> <p>19,120 investigations launched by public prosecutor related to (alleged) right-wing extremist offences; among those:</p> <ul style="list-style-type: none"> • 27 cases of (attempted) murder • 833 cases of bodily harm • 96 cases of arson • 316 cases registered as “anti-Semitic tendencies” <p>closed investigations in 2003</p> <p>17,382 closed investigations; among those:</p> <p>2,334 convictions (437 of those due to offences against foreigners)</p>	<p>2005</p> <p>(only Eastern Germany)</p> <p>637 right-wing attacks (corrected number)</p> <p>910 victims of right-wing violent acts, among those:</p> <ul style="list-style-type: none"> • 360 victims of racist attacks • six victims of anti-Semitic attacks <p>First half year 2006</p> <p>391 right-wing attacks, of which:</p> <ul style="list-style-type: none"> • 129 with an assumed racist motivation • 2 with an assumed anti-Semitic motivation <p>selected cases</p> <p>based on the NFPs research and media monitoring</p>	-

<p>Data source</p> <p>1. (Federal) Report on the Protection of the Constitution by the (Federal) Office for Internal Security (annual figures 2005, right-wing extremist crimes, groups, parties etc.)</p> <p>2. press releases of the Federal Ministry of the Interior</p> <p>3. parliamentary inquiries (preliminary data, below the final annual figures) based on Federal Ministry of the Interior</p> <p>both data sources are based on the police registration system KPMD-PMK (Federal Criminal Office and Federal States Criminal Offices)</p> <p><i>Additional information:</i> inquiries at local police departments on a case-by-case basis (mainly in order to verify media reports)</p>	<p>Data source</p> <p>At the request of the Federal Ministry of Justice, the state legal authorities, published within the framework of a parliamentary inquiry (Bundestag; printed matter 16/1353; 27.04.2006)</p>	<p>Data source</p> <p>Statistics of the non-governmental victim support organisation <i>Opferperspektive</i>; joint compilation based on the collection of cases and the advisory work of the CIVITAS-supported victim support organisations in Eastern Germany</p> <p>NFP collection of cases is based on</p> <ul style="list-style-type: none"> • media/internet research • online chronologies of Internet-platforms (www.Mut-gegen-rechte-Gewalt.de; www.Projekte-gegen-Anti-Semitismus.de) • inquiries at local police departments on a case-by-case basis (mainly in order to verify media reports) 	<p>Data sources</p> <p>-</p>
<p>Legal basis, definition</p> <p>Definition according to the police registration system on politically motivated right-wing crimes (KPMD-PMK) with the sub-category of “hate crimes” (introduced in 2001); a relevant sub-dimension of the category of “hate crime” are:</p> <ul style="list-style-type: none"> • xenophobic crimes (“crimes committed due to the victim’s actual or alleged nationality, ethnicity, race, colour of skin, religion or origin”) and • anti-Semitic crimes (committed due to “an anti-Jewish sentiment”) <p>legal basis: resolution by the Committee of Ministers and Senators of the Interior for the Federal Government and States from 9./10.05.2001</p>	<p>Legal basis, definition</p> <p>-</p>		

Anti-Semitism

Since anti-Semitic offences are registered as a separate category within the criminal registration system PMK/right-wing, data on anti-Semitic criminal acts are available. What is to be considered a shortcoming of the police statistics is that usually only those anti-Semitic offences are registered separately which were committed with a right-wing motivation.³²⁵

At the request of the Federal Ministry of Justice, the state legal authorities (*Landesjustizverwaltungen*) have registered cases of public prosecutor investigations of – alleged or actual – right-wing extremist, xenophobically motivated or anti-Semitic crimes since 1992. The most recent statistics stem from 2003. The number of public prosecutor investigations related to alleged anti-Semitic crimes dropped significantly between 2001 and 2003 (see section 5.1). However, these statistics do not allow any further differentiation according to the specific type of crime.

A. Violence against person/s

Official statistics on anti-Semitic crimes (2005)

According to the Federal Ministry of the Interior and the Federal Office for Internal Security (*VerfS*), a drastic increase of anti-Semitic violent crimes (in the category politically motivated/right-wing) was registered in 2005 (table 27): 50 cases of politically motivated anti-Semitic crimes were registered by the police as violent crimes; almost all of these crimes were deemed to be violent *extremist* crimes³²⁶. A further differentiation of these statistical data on anti-Semitic violence is not available; however, it can be assumed – based on the differentiation of all PMK/right-wing extremist crimes – that most of these violent crimes are cases of bodily harm.³²⁷

³²⁵ One exception is the State Annual Report on the Protection of the Constitution in NRW: 199 of the total number of 212 antisemitic PMK crimes which were registered in NRW in 2005 were categorised as “right-wing extremism”, eight incidents were registered in the area of “extremism of foreigners” and one in the area of “left-wing extremism” (Nordrhein-Westfalen, Verfassungsschutzbericht 2005, p. 134).

³²⁶ The categorisation of a crime as “extremist” is based on the internal assessment by the security authorities the respective crime according to which it “aims at overcoming the constitutional order of the state”.

³²⁷ In most cases, incidents registered under the category “violent crimes” are acts of violence against persons; however, the category also encompasses other offences, such as the violation of section 125 Criminal Code (“breach of the peace”) or section 249 (“robbery”), which may or may not be related to physical violence directly against persons.

Table 27: Right-wing and right-wing extremist crimes with an anti-Semitic background in 2005 (compared to 2004)*

	Politically motivated right-wing crimes	<i>Extremist right-wing crimes</i>
In total	1,682 (2004: 1,346)	1,658 (2004: 1,316)
of which: violent crimes	50 (2004: 40)	49 (2004: 37)

Source: VerfS 2005, BMI press release 10.05.2006

* Politically motivated right-wing crimes are often referred to as extreme right-wing crimes; right-wing extremist crimes constitute a subcategory of these politically motivated right-wing crimes.

According to the latest official (preliminary) figures on politically motivated anti-Semitic crimes, published within the framework of quarterly parliamentary inquiries, the police registered seven violent anti-Semitic crimes in the **first half year of 2006**; four people were injured as a result of one of these attacks (comparable period 2005: 11 people injured).³²⁸

Unofficial statistics on right-wing and racist violence (2005)

The annual report 2005 of the victim support organisation *Opferperspektive*, based on the victim support activities of several NGOs in Eastern Germany, counted 910 victims of right-wing attacks in Eastern Germany, six of them were categories as victims of anti-Semitic violence in 2005 (2004: 5).³²⁹ In the first six months of the year 2006, the victim support organisations counted in total two right-wing anti-Semitic attacks.³³⁰

(Selected) anti-Semitic attacks in 2006

On July 17, 2006 a group of Austrian tourists were insulted with extreme right-wing and anti-Semitic slogans and attacked by two young men. One of the victims was wearing a flag of Israel around his shoulders. The perpetrators (one of them with very short hair, the other one with a bald head) tore off the flag and threatened to burn it. When a companion of the victim took back the flag, the two perpetrators began to hit the victims, one of them was injured. The police started investigations against the alleged perpetrators due to incitement of the people and bodily harm. The incident took place in Königs Wusterhausen (Brandenburg).³³¹

A 26 year-old German woman of Israeli origin was attacked by a young woman in Berlin-Steglitz in April 2006. The victim was talking on her mobile in Hebrew when the perpetrator (one of a group of several women) approached her and hit her in the face. The victim reported to the police, that the perpetrator asked her about her nationality. The state security unit took over the investigation of the incident. The perpetrators could not be caught; whether the

³²⁸ The number of violent antisemitic crimes in the first half year of 2005 is not available due to the missing number for the first quarter. In the second quarter of 2005, nine such violent crimes were registered by the police. It is to be emphasised that these figures based on the parliamentary inquiry are always below the final figures.

³²⁹ Press releases, Opferperspektive, 09.02.2005; 13.02.2006

³³⁰ Press release, Opferperspektive, 14.09.2006

³³¹ The case was reported by the Amadeu Antonio Foundation (www.projekte-gegen-antisemitismus.de) (11.10.2006).

offence was committed with an anti-Semitic motivation or not remains open; the police has not registered this incident as anti-Semitic due to a lack of evidence.³³²

Further information on these two cases (e.g. on the perpetrators) is not available.

B. Violence against property

According to the Federal Report on the Protection of the Constitution, “numerous anti-Semitic crimes as well as cases of desecration of Jewish cemeteries, synagogues and memorials” were registered (e.g. damaged, sprayed) in 2005. A concrete number of cases of desecration was not published (2004: 101 cases).³³³

Non-official information stem predominately from media reports and NGOs which present online chronologies of anti-Semitic incidents based on their own media monitoring and research activities. The Amadeu Antonio Foundation, for instance, provides an important nationwide information sources on its internet platform “Courage against right-wing violence” (www.mut-gegen-rechte-gewalt.de) and on the website of its initiative “projects against anti-Semitism” (www.projekte-gegen-anti-Semitismus.de).

The foundation lists various anti-Semitic incidents, among those more than ten cases of damaging or smearing Jewish **memorials** and desecrating Jewish **graveyards** between January and August 2006. In the following we will present a selection of those cases which have led to further investigations by the police.

- On January 24, Nazi symbols were smeared on six **memorial** boards on the Jewish cemetery in the city of Brandenburg an der Havel.³³⁴
- On February 14, a **memorial board**, which commemorates Heinrich Stahl, former chairman of the Jewish Community killed by the Nazis, was smeared in the Berlin district Alt-Rudow.³³⁵
- Anti-Semitic slogans were smeared at the wall of the **synagogue** in Amberg (Bavaria) in mid April; the state security unit of the police has not finished its investigation yet³³⁶
- On March 11/12, the Jewish **memorial** in Berlin Spandau and the memorial plaque for a synagogue (Berlin-Tiergarten) have been smeared with anti-Semitic paroles. Nazi symbols had been smeared on both memorials several times before.³³⁷
- According to a media report (Lausitzer Rundschau), anti-Semitic slogans and swastikas were sprayed at the building of the **Jewish Community** of Cottbus (Brandenburg). At the same time, sprayed swastikas and right-wing smearings were detected at other places in Cottbus.³³⁸
- Nine windows of **the former synagogue** in Görlitz (Saxony) were destroyed in on April 21, 2006. The building has been used as a centre for cultural activities for a couple of years. In early April a large swastika made out of paving stones was detected in Görlitz. It is not clear whether both incidents are related.³³⁹

³³² *Tagesspiegel online* (05.05.2006). As a response to a NFP inquiry, the police confirmed the case (phone call on 25.08.2006).

³³³ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 113

³³⁴ www.jewish-forum.de/showtopic.php?threadid=4513 (27.02.2006)

³³⁵ Press Release, police Berlin (15.02.2006)

www.mut-gegen-rechte-gewalt.de/artikel.php?id=10&kat=10&artikelid=1969 (27.02.2006)

www.jewish-forum.de/showtopic.php?threadid=4513 (27.02.2006)

³³⁶ *Jüdisches Forum* (17.04.2006); verified by the Police Amberg responding to a NFP inquiry

³³⁷ *taz Berlin lokal* (13.03.006) p. 21

³³⁸ <http://www.projekte-gegen-antisemitismus.de> (11.10.2006) (Chronik antisemitischer Vorfälle > 2006)

³³⁹ *taz* (24.04.2006), p. 6; *Die Neue Epoche* (22.04.2006)

- Swastikas and other Nazis smearings on 28 gravestones were detected in the **Jewish graveyard** in Bebra (Hesse) in late April 2006.³⁴⁰
- According to two press releases of the police department in South Hesse, the anti-Semitic smearings were detected at the wall and in the entrance area of the **Jewish graveyard** in Alsbach-Hähnlein in late June and early August.³⁴¹
- In the night from July 16 to July 17, four young Germans damaged a **memorial** for those who were murdered in the concentration camp of Auschwitz. Police officers happened to hear the perpetrators damaging the memorial and yelling anti-Semitic slogans (“Jews should all die!”). The incident took place on a school ground in Viersen (North Rhine-Westphalia).³⁴²

Further information (e.g. on the perpetrators) on the cases is not available.

³⁴⁰ *taz* (26.04.2006), p. 7

³⁴¹ Press release, police South Hesse (30.06.2006) and (04.08.2006)

³⁴² Press release, police Mönchengladbach (17.07.2006); *Westdeutsche Zeitung* (19.07.2006)

C. Verbal threats and abusive behaviour

The vast majority of PMK right-wing crimes with an anti-Semitic background are categorised as propaganda offences, i.e. as a violation of section 86, 86a, 130 and 131. Concrete national figures are, however, not accessible. According to the latest NRW State Report on the Protection of the Constitution (covering the first six months of 2006), 131 anti-Semitic crimes were registered by the police, 124 were categorised under “PMK right-wing”, five under “PMK foreigners” and one case was registered as “PMK left-wing” (one incident could not be categorised). 111 of the total of 131 registered anti-Semitic crimes were either cases of incitement of the people (§ 130 StGB, 85 cases) or a violation of §§ 86 or 86a StGB (use or dissemination of symbols and materials of anti-constitutional organisations; 26 cases).³⁴³

In the following section cases of verbal threats and abusive behaviour towards Jews (or people perceived as Jewish) are presented which are either committed

- (1) by people from the **extreme right-wing** and/or neo-Nazi milieu or
- (2) by people who have an (alleged) **Arabic or Islamic background** or
- (3) which can **not be clearly categorised** (e.g. due to the fact that the perpetrators are not known).

Ad (1)

Within the framework of its annual report the Federal Office for Internal Security (*VerfS*) offers an overview on the latest development in the field of anti-Semitic agitation. In the 2005 report, the *VerfS* stated that anti-Semitism is the “common basic of the heterogeneous **right-wing extremist** scene”.³⁴⁴ In many cases, right-wing extremists express their anti-Semitism through allusions – often by misusing public criticism towards the Israeli politics. Typical patterns are, for instance, blaming an “imaginary entity of Judaism” for political behaviour of the State of Israel or by comparing the Israeli behaviour with the behaviour of the NS regime (“secondary anti-Semitism”).

Openly expressed anti-Semitism also occurs – particularly in the Skinhead milieu and very often in the context of the **lyrics of Skinhead bands**. According to the *VerfS*, such CDs are often produced abroad and imported to Germany. One example: The song “Kameraden steht auf” (“Comrades, stand up!”) on the CD “The Hateshow” (since 2005 put on the index; the Skinhead band’s name is “Murder Squad”) calls directly upon destroying the Central Council of Jews in Germany (“put the Central Council of the Jews on fire”).³⁴⁵

The number of right-wing extremist skinhead bands which played on stage or released pertinent CDs has increased: In 2005, the *VerfS* counted 142 such bands (2004: 106); about 56% of them have been active for several years (p. 61). The official number of right-wing extremist skinhead concerts also rose by about 40% to 193 such events in 2005 (2004: 137).³⁴⁶

The main focus of the anti-Semitic agitation of the extreme right-wing scene in 2005 was related to the debate on the new **Memorial to the Murdered Jews of Europe** in Berlin. The general pattern of the anti-Semitic argumentation was characterised by the intention of playing down the Holocaust; in some cases the construction of the memorial was described as a waste of money for an “anti-German memorial”.³⁴⁷

On September 27, 2006, a 28 year-old woman was found guilty of incitement of the people and convicted to six months on probation by a **criminal court** in Berlin. In April 2005, she and her companion were caught when they were trying to hang up countless small posters

³⁴³ Nordrhein-Westfalen, Halbjahresbericht des Verfassungsschutzes 2006, pp. 16-17

³⁴⁴ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 113

³⁴⁵ Germany, Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 114

³⁴⁶ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, pp. 59-61

³⁴⁷ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 117

with anti-Semitic statements all over the Berlin city district of Spandau. The posters read, for instance: “Jews are our bad luck”. The young woman is strongly engaged in the right-wing extremist milieu. Her companion was convicted to a fine of €2,500.³⁴⁸

Ad (2)

The Hamburg State *VerfS* reports on cases of anti-Semitic agitation assumedly in the surrounding of the Muslim organisation Milli Görüs: Copies of the DVD “The children of the Al-Aqsa Mosque”, which contains **anti-Semitic agitation** against Israel (in Turkish language), were distributed to children in a mosque in Hamburg until February 2006. The DVD, produced in Iran, draws a very negative picture of Israeli Jews in the Middle East conflict (e.g. malicious murderer) and incite to anti-Semitic resentments.

The Hamburg State *VerfS* also reported on the Iranian TV series “The Eyes of the Palestine Zehra” which was broadcasted on the Turkish TV channel TV 5 between summer 2005 and spring 2006. According to the *VerfS*, the series also incites to hatred against Israelis through classical anti-Semitic images. In the series, an imaginary figure of an Israeli politician kidnaps Palestinian children to get their viscera (in this case, the eyes).³⁴⁹

In the context of the escalation of the violence in the Middle East, cases of anti-Semitic verbal threats were registered: On several demonstrations against the Israeli attacks on Lebanon, the criticism towards Israeli politics was expressed in a clearly anti-Semitic way (“swastika = Star of David”). Some banners which were shown on a demonstration in Bremen (in late July) read “kill Israel (however, written in Arabic so that the police was not capable of reading it). During one of the demonstrations in Bremen, the chairwoman of the local Jewish Community and her companion, a Jewish man who was wearing a kippa, were insulted and spat at. The police started investigations due to incitement of the people, insult and bodily harm. Politicians publicly condemned the attack and the anti-Semitic statements.³⁵⁰

Ad (3)

In the Berlin district Lichtenberg, numerous **posters with anti-Semitic caricatures and slogans** were found, on which Jews (“the internationally acting World Judaism”) are made responsible for starting World War II. The police released a public warning calling upon the citizens not to tear off the poster themselves due to the fact that the perpetrators put pieces of broken glass into the glue so that one can easily get hurt when trying to remove the posters. The state security unit of the police started its investigations due to incitement of the people and attempted severe bodily harm.³⁵¹

On the internet platform Mut-gegen-rechte-Gewalt the following incident was reported in April 2006: In Wismar (Mecklenburg-West Pomerania) an **anti-Semitic slogan** (“Don’t buy at Jews”) was detected in early 2006. Although the local anti-racism organisation has called upon the municipal authority several times that the slogan should be removed, the slogan remained untouched. Only when a local newspaper reported on the incident, the slogan was removed.³⁵²

On September 26, 2006, very harsh **anti-Semitic threats** were shouted at soccer players of the only Jewish sports association in Berlin, TuS Makkabi, during a regional **soccer game**. According to a representative of the association, a group of some ten people shouted slogans

³⁴⁸ *taz Berlin* (28.09.2006), p. 22

³⁴⁹ Press release, Hamburg State Office for Internal Security (17.07.2006)

³⁵⁰ *FR* (28.07.2006), *taz Nord* (25.07.2006)

³⁵¹ Press release, police Berlin (08.08.2006); *FR* (09.08.2006), p.4; *Berliner Morgenpost* (09.08.2006)

³⁵² www.mut-gegen-rechte-gewalt.de/artikel.php?id=5&kat=79&artikelid=2212 (article released on 07.04.2006)

such as “synagogues must burn”, “Auschwitz is here again” and “Gas the Jews”. The referee and the representatives of the other soccer club stated that they have not heard these slogans. In the meantime, the Berlin Soccer Federation is dealing with the incident and even the public prosecutor has started investigations. Not much is known about the perpetrators; it is likely that they are from the right-wing milieu: according to a soccer magazine, they also shouted that the extremist right-wing party “NPD rules here”.³⁵³

According to the Central Council of Jews in Germany, the number of **emails and letters with anti-Semitic statements** has significantly increased since the escalation of the situation in the Middle East. In July and August, the Central Council receives “up to 200 emails” mostly with a “very negative” tone towards Israel and Jews (e.g. “its time for a new “Führer” who shows the Jews their bounds”, Israel politics is “worse than the Holocaust”). The Jewish Community in Berlin has also registered an increase in the number of anti-Semitic phone calls; furthermore, parents have reported to the Jewish Community that aggressive behaviour towards their children has generally increased – not only among young Muslims, but also among pupils without a migration background.³⁵⁴

In mid-October 2006, the police reported about an anti-Semitic incident which took place at a school in the city of Paretz (Saxony-Anhalt): A 16 year-old pupil who was forced to **carry a sign with an anti-Semitic slogan** around his neck on the schoolyard; the sign read that he “is the biggest pig in town” because he has contact to Jews. During the Nazi regime such forced public exposures have been common especially for woman who had a relationship with Jews. The police and the public prosecutor started to investigate the incident. Due to the ongoing investigations, the police have only stated that, three young pupils (between 15 and 16 years old) of the same school are under suspicion.³⁵⁵

D. Anti-Semitic literature

In its annual report 2005, the Federal Office for Internal Security counted 90 **periodical right wing extremist publications** (2004: 103) with a total of 4.2 million copies (2004: 4.4 million); 51 of these publications are released at least once every three months.³⁵⁶ The number of right-wing extremist publishing and sales/contribution companies which are independent of political parties or organisations also decreased slightly to 34 in 2005 (2004: 36; 2003: 38).³⁵⁷ The publications released by these companies vary strongly concerning their significance within the extreme right-wing milieu; some of these publications keep spreading the myth of a worldwide Jewish conspiracy and continue to play down the acts of the Nazi regime in the Third Reich (e.g. by focussing on the German victims of World War II).

Additionally, **right-wing extremist political parties**, mainly the NPD and the DVU, release their own **magazines**, which also contain anti-Semitic articles and statements (e.g. playing down the Holocaust, Jewish conspiracy, discrediting of Jews). The NPD, for instance, publishes the monthly magazine *Deutsche Stimme* (with a circulation of 21,000 in 2005).³⁵⁸ In an article, released in the *Deutsche Stimme* volume No. 5/2005, for instance, Judaism is described as an hostile oligarchy and strategic and dangerous worldwide conspiracy which is about to reach its historical peak on the financial markets.³⁵⁹ The second significant extreme right-wing political party DVU releases the weekly newspaper “National Zeitung/Deutsche

³⁵³ FR (12.10.2006), p. 1; *Die Welt* (12.10.2006)

³⁵⁴ *Jüdisches Forum* (25.07.2006); *Berliner Zeitung* (15.08.2006)

³⁵⁵ Spiegel online 12.10.2006: www.spiegel.de/politik/deutschland/0,1518,442337,00.html; Zeit online: www.zeit.de/news/artikel/2006/10/12/77022.xml; (both 13.10.2006)

³⁵⁶ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 52

³⁵⁷ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 129

³⁵⁸ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 72

³⁵⁹ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 82

Wochenzeitung” (estimated circulation of 40,000 copies). Several articles display a tendency of qualifying the acts of the NS regime by emphasising on the German victims.³⁶⁰

Apart from these printed media, the **internet** plays an important role for right-wing extremist and anti-Semitic agitation. According to the Office for Internal Security, an estimated 1,000 right-wing extremist homepages are run by Germans (2004: 950); due to the fact that many of these homepages contain statements subject to criminal law in Germany, the majority of these homepages are run anonymously from abroad. In 2005, altogether 290 new right-wing extremist homepages were identified; at the same time numerous of these homepages were shut down. Furthermore, it seems very popular within the extreme right-wing milieu to exchange their opinions online discussion platforms.³⁶¹

One **example** of these **right-wing extremist internet platforms** is the Altermedia website (<http://de.altermedia.info>).³⁶² Numerous pieces on this website spread anti-Semitic stereotypes, insult representatives of the Jewish community and criticise the alleged humbleness of German politics towards the Jewish community and the State of Israel. A contribution referring to the plan of the German government to tighten immigration provisions for Jewish refugees from the former Soviet Union criticises the “unlimited import of Jews from Eastern Europe” to Germany, which are described in a very negative way (“parasites”, “organised criminality”): the German government is called “the actual *alter ego* of the central Council of the Jews”.³⁶³ The article also contains a cynical allusion to the yellow Star of David which Jews were obliged to wear in the Third Reich.

³⁶⁰ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, pp. 95-98

³⁶¹ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, pp. 134-135

³⁶² The Central Council of German Sinti and Roma has drawn the attention of prosecution authorities to a similar German-speaking web forum (the “freeyourmind” forum) on which strong antisemitic anti-Sinti/Roma statements are expressed. Due to the fact that the provider of the web forum is located in the USA, the Public Prosecutor in Karlsruhe will not be able to take actions against the provider.

<http://zentralrat.sintiundroma.de/content/downloads/presseschau/104.pdf#search=%22Freeyourmind%20Judentum%22> (11.10.2006)

³⁶³ contribution on 23.07.2006 (<http://de.altermedia.info/page/10/>) (23.07.2006)

Table on official and unofficial sources on anti-Semitism

<i>Anti-Semitism</i>			
<i>Official national sources</i>		<i>Unofficial sources</i>	
		<i>National</i>	<i>international</i>
Official statistics	Investigations of the public prosecutor	Incidents and complaints etc.	Incidents, complaints
<p>2005</p> <p>1,682 PMK/right-wing crimes with anti-Semitic background (1,658 of them extremist right-wing)</p> <p>50 PMK right-wing violent crimes (49 of them extremist right-wing)</p> <p>first half year 2006</p> <p>460 PMK crimes with an anti-Semitic background (among those seven violent crimes)</p>	<p>2003</p> <p><i>(latest figure available)</i></p> <p>under the category “anti-Semitic tendencies (desecration of graves etc): 316 (of a total of 19,120 launched investigations related to (alleged) right-wing extremist offences</p>	<p>2005</p> <p>910 victims of right-wing violent acts, among those six people attacked for anti-Semitic reasons (Eastern Germany)</p>	-
Data source	Data source	Data source	Data sources
<p>(Federal) Report on the Protection of the Constitution by the (Federal) Office for Internal Security (annual figures 2005, right-wing extremist crimes, groups, parties etc.)</p> <p>quarterly parliamentary inquiries (preliminary data, below the final annual figures) based on Federal Ministry of the Interior</p>	<p>At the request of the Federal Ministry of Justice, the state legal authorities;</p> <p>published within the framework of a parliamentary inquiry</p>	<p>Annual Report of the non-governmental victim support organisation <i>Opferperspektive</i></p> <p>Joint compilation based on the collection of cases and the advisory work of the CIVITAS-supported victim support organisations in Eastern Germany</p> <p>NFP collection of cases is based on media/internet research and inquiries at local police departments on a case-by-case basis (mainly in order to verify media reports)</p>	-

<p>Legal basis, definition</p> <p>According to the police registration system on politically motivated crimes (KPMD-PMK), anti-Semitism is part of the <i>hate crime</i> category committed with an anti-Jewish sentiment</p> <p><i>legal basis:</i> resolution by the Committee of Ministers and Senators of the Interior for the Federal Government and States from 9./10.05.2001</p>	<p>Legal basis, definition</p> <p>-</p>		
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Islamophobia

There are hardly any official or non-official data on Islamophobia available in Germany.

The **official** police statistical data on politically motivated (PMK) right-wing crimes do not contain any information on a potentially Islamophobic motivation. Due to the fact that not even information on the nationality of the victims of these xenophobically motivated PMK right-wing crimes is made publicly available – apart from some rare exceptions –, no further assumptions on the victims' religious background and the potential motivation of the perpetrators can be made..

Non-official data from media reports and NGOs which are involved in the support work for victims of extreme right-wing violence or specific Internet platforms sometimes contain information on the victim's nationality or ethnic background. Nevertheless, in most cases it is impossible to make objective and verified statements on an Islamophobic motivation – even in cases in which an extreme right-wing or xenophobic motivation is obvious. Xenophobia and the more specific forms of Islamophobia can not clearly be distinguished unless clear indicators (e.g. verbal Islamophobic insults, attacks on mosques) are available, which is rarely the case.

A. Violence against person/s

Given the shortcomings of the official and the unofficial statistics, it is not possible to present any statistical data on Islamophobic violence against person(s).

Although several NGOs offer special chronicles listing xenophobic and right-wing attacks which often contain information on the nationality of the victim, reliable indicators for Islamophobia are not available. Despite the fact that some of the victims are from predominately Islamic countries, the perpetrators' motives seem not to be related directly to Islamophobia; in such cases, the circumstances of the attacks rather point to general xenophobic attitudes (e.g. yelling xenophobic insults).

B. Violence against property

Neither the official PMK figures nor unofficial statistics allow reliable statements on Islamophobic violence against property.

In the reporting period no attacks on mosques were registered. Two **arson attacks on Turkish property** which might have an Islamophobic background took place in September; however, there are no convincing indicators that these attacks were committed with an Islamophobic motivation.

On the night from September 14 to 15, the police registered an arson attack on a Turkish Cultural Centre in the Hamburg district Hammerbrook. The entrance door and a window were damaged. The state security unit of the police started investigations, but the perpetrators have not been caught yet. The background of this arson attack is currently unknown.³⁶⁴

On September 25, an arson attack on a bistro of a Turkish association in the Berlin district Kreuzberg took place in the evening. The fire was extinguished by guests of the bistro so that the damage is low. Since the police could not rule out a political motivation, the state security unit started to investigate the case.³⁶⁵

Whether these arson attacks were committed with a xenophobic motivation and to which extent Islamophobic resentments were involved remains unclear for the time being. Due to

³⁶⁴ FR (16.09.2006), p.4; Press release, Hamburg Police POL-HH 060915.2 (15.09.2006)

³⁶⁵ Press release, police Berlin (26.09.2006)

the ongoing investigations, further information on the perpetrator and the prosecution are not available (yet).

C. Verbal threats and abusive behaviour

Press releases and verbal statements of **extreme right-wing political parties** often send out a clearly xenophobic message; in some cases these right-wing statements are directed explicitly against Muslims: According to the latest Annual Report on the Protection of the Constitution, the right-wing radical political party “Die Republikaner”, which is under observation of the Office for Internal Security, released a press statement on March 16, 2005 in which the religion of Islam is generally described as an “anti-democratic” and “inhuman” religion; the press release continues with the warning: “who tolerates and accepts the Islam faith, plays with fire.”³⁶⁶

Islamophobic resentments, which often associate Muslims with anti-constitutional tendencies, also appear in the context of local **anti-mosque initiatives**. In Cologne (NRW), for instance, the local right-wing party and association *Bürgerbewegung pro Köln* (Pro Köln) has continued its struggle against the planned construction of a representative mosque in the Cologne city district of Ehrenfeld. With flyers alluding to the danger of an increasing threat of Islamic terrorism, the organisations called upon all local citizens to support them in prohibiting the construction of the mosque (see also last year’s Annual Report on Germany). As a consequence, the persons in charge are now facing legal proceedings due to an alleged violation of Section 130 Criminal Code (“Incitement of the people”). In Cologne, all political parties in the local government are in favour of the construction of the new mosque.³⁶⁷

In the Berlin district Pankow, the public protest against the construction of a new representative mosque by the Muslim Ahmadiyya Community has been much broader than in Cologne: Apart from local neo-Nazis and members of the right-wing extremist parties NPD and the “Republikaner”, the local anti-mosque initiative IPAHB (<http://www.ipahb.de>) and even members of the democratic party CDU expressed their strong disapproval with the planned construction of the mosque. On the one hand, the initiative IPHAB has repeatedly distanced itself from the right-wing extremist groups, on the other hand, the local organisation alleged that the Ahmadiyya Community is more dangerous than the Office for Internal Security assumes and that this Muslim organisation aims at “proselytising the entire world”.³⁶⁸

D. Islamophobic literature

Generally speaking, information on Islamophobic literature is rare in Germany. In the latest Annual Report on the Protection of the Constitution (2005) only one incident is mentioned which can be categorised as “Islamophobic literature”: The **extreme right-wing party** “Die Republikaner” argued in its official party magazine “Zeit für Protest!” that “a Muslim who takes his religious belief seriously cannot be integrated in Europe” Therefore “only the political agenda of the *Republikaner* can prevent Islamic terror”.³⁶⁹

In August 2006, some media reported about a new **youth magazine** called “Objektiv” which contains various xenophobic and explicitly Islamophobic articles. This magazine was distributed free of charge by the organisation “Jugend pro Köln” (Youth pro Cologne), which is affiliated to the local right-wing party *Pro Köln* (see above), in front of several schools in Cologne. The 24-pages-magazine pretends to be a “normal” pupils’ magazine

³⁶⁶ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 104

³⁶⁷ *taz* (27.09.2006), p. 6

³⁶⁸ *Tagesspiegel online* (15.09.2006), *Mut gegen Rechte Gewalt* (19.09.2006), www.mut-gegen-rechte-gewalt.de/artikel.php?id=75&kat=75&artikelid=2597 (11.10.2006)

with leisure time recommendations and puzzles, but its true intention seems to be conveying xenophobic and anti-Muslim statements (e.g. an advertisement against mosques). In one article, Muslim men are described as sexually very aggressive towards German girls and as persons who “do not take no for an answer”³⁷⁰

Table on official and unofficial sources on Islamophobia

<i>Islamophobia</i>			
<i>Official national sources</i>		<i>Unofficial sources</i>	
		<i>National</i>	<i>international</i>
Official statistics	Proceedings, investigations, court statistics	Incidents and complaints etc.	Incidents and complaints
<i>No information available</i> (tentative proxy data: official PMK-right-wing crimes deemed to be xenophobic)	<i>No information available</i>	No information available (Tentative proxy data: unofficial statistics on right-wing attacks in eastern Germany; joint statistics compiled by the victim support organisation <i>Opferperspektive</i>)	-
Data source (Federal) Report on the Protection of the Constitution by the (Federal) Office for Internal Security	Data source <i>No information available</i>	Data source Annual Report of the non-governmental victim support organisation <i>Opferperspektive</i>	Data sources -
Legal basis, definition <i>None</i>	Legal basis, definition <i>None</i>	NFP collection of cases is based on media/internet research	

³⁶⁹ Germany, Federal Office for Internal Security, Verfassungsschutzbericht 2005, p. 104

³⁷⁰ *Spiegel online* (18.08.2006) (www.spiegel.de/schulspiegel/wissen/0,1518,432253,00.html (11.10.2006)); *Spiegel online* (01.09.2006) (www.spiegel.de/schulspiegel/0,1518,434251,00.html (11.10.2006))

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Annex

Education

Table 25: Apprenticeships of Germans and foreigners 1993 to 2005

Year	German trainees (apprenticeship)		Foreign trainees (apprenticeship)		Proportion of foreign trainees
	Total number	Differences to the previous year (in %)	Total number	Differences to the previous year (in %)	
1993	1,503,029	-	126,283	-	7.8
1994	1,453,992	-3.3	125,887	-0.3	8.0
1995	1,458,027	0.3	121,312	-3.6	7.7
1996	1,475,981	1.2	116,246	-4.2	7.3
1997	1,512,515	2.5	110,165	-5.2	6.8
1998	1,553,514	2.7	104,250	-5.4	6.3
1999	1,597,430	2.8	100,899	-3.2	5.9
2000	1,605,089	0.5	96,928	-3.9	5.7
2001	1,592,369	-0.8	92,300	-4.8	5.5
2002	1,537,223	-3.5	85,218	-7.7	5.3
2003	1,502,424	-2.3	79,205	-7.1	5.0
2004	1,492,013	-0.7	72,051	-9.0	4.6
2005	1,485,835	-0.4	67,602	-6.2	4.4

Source: Federal Statistical Office (Fachserie 11, Reihe 3, Tab. 1 and 2.5)

Table 26: Number of German and foreign apprentice and the distribution of all German and all foreign apprentices according to fields of training

	Industry and trade				Craft professions				Public service			
	Foreigners		Germans		Foreigners		Germans		Foreigners		Germans	
Year	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%
1999	46.308	45.9	786.708	49.2	40.852	40.5	576.020	36.1	1.104	1.1	46.352	2.9
2000	45.156	46.6	815.656	50.8	37.874	39.1	558.288	34.8	961	1.0	45.359	2.8
2001	43.709	47.4	832.432	52.3	34.994	37.9	529.487	33.3	984	1.1	44.468	2.8
2002	39.664	46.5	810.494	52.7	31.477	36.9	496.375	32.3	921	1.1	44.315	2.9
2003	36.715	46.4	801.654	53.4	28.561	36.1	473.804	31.5	905	1.1	42.434	2.8
2004	33.888	47.0	804.026	53.9	25.817	35.8	463.354	31.1	800	1.1	43.220	2.9
2005	32.211	47.6	816.006	54.9	24.205	35.8	452.978	30.5	745	1.1	42.621	2.9

	Liberal professions*				Others			
	Foreigners		Germans		Foreigners		Germans	
Year	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%	<i>Total</i>	%
1999	11.738	11.6	134.861	8.4	897	0.9	53.489	3.3
2000	12.043	12.4	134.204	8.4	894	0.9	51.582	3.2
2001	11.730	12.7	135.856	8.5	883	1.0	50.126	3.1
2002	12.291	14.4	136.520	8.9	865	1.0	49.519	3.2
2003	12.157	15.3	133.574	8.9	867	1.1	50.958	3.4
2004	10.640	14.8	128.071	8.6	906	1.3	53.342	3.6
2005	9.584	14.2	120.836	8.1	857	1.3	53.394	3.6

*The German term "Liberal professions" covers a limited range of occupations such as doctors, dentists, lawyers, journalists, musicians, architects, writers, etc. (IAB Glossar Englisch, p. 871)

Source: Federal Statistical Office (Fachserie 11, Reihe 3, Tabelle 2.1, 2.5)

State provisions for minority and multicultural education

Table 27: Pre-school language support measures (compiled by the efms)

Federal State	Date of language proficiency assessment	Duration of language support measure	mandatory character	Source/Legal Provision
Bavaria	Language proficiency assessment in pre-school/ kindergarten or the responsible elementary school during the first half year preceding the year of compulsory school attendance	Language courses during the entire final year in kindergarten	Pre-school courses shall be visited in case of insufficient language proficiency; children without sufficient language proficiency at the date of school enrolment can be obliged to start school one year later; pre-school courses are compulsory for these children	§ 37a BayEUG
Lower-Saxony	Language proficiency assessment in the context of the school enrolment for those children who have to attend school in the following year	Language courses during the entire year preceding school enrolment	In case of insufficient language proficiency pre-school courses are mandatory	§ 54a NSchG; Erl. d. MK v. 1.3.2006 - 32 - 80107/4 - VORIS 22410

Hesse	Language proficiency assessment nine months preceding school starts in the context of school enrolment	Language courses nine month before school starts	Pre-school language courses are voluntary; children without sufficient language proficiency at the date of school enrolment can be obliged to start school one year later; pre-school courses are compulsory for these children	§ 58 Abs. 1 und 5 Hessisches Schulgesetz
Schleswig-Holstein (coming into force on January 1, 2007)	Language proficiency assessment in the context of school enrolment in the autumn preceding the year in which school starts; in case of insufficient language proficiencies a second assessment will be conducted by experts	Intensive language support in the last six month preceding school enrolment	Pre-school language courses are planned to be mandatory in case of insufficient language proficiency as long as the child does not already attend a kindergarten with language support measures	http://landesregierung.schleswig-holstein.de/coremedia/generator/Aktueller_20Bestand/MBF/Pressemitteilung/PDF2006/SchG_20Synopsis.property=pdf.pdf
Berlin	Language proficiency assessment in the context of school enrolment	Language courses during the six month preceding school begins	In case of insufficient language proficiency pre-school courses are mandatory	§ 55 SchulG für das Land Berlin

Brandenburg	Language proficiency assessment by nursery teachers during the last year in pre-school/the kindergarten before school starts	Language support measures during the last year in the kindergarten by the nursery teachers	Language support if necessary; no specific modules for children with a migration background; it is not possible to make children start a school year later solely due to insufficient language proficiency	Pressemitteilung des Ministeriums für Bildung, Jugend und Sport des Landes Brandenburg (06.02.2006); available at: www.mbjs.brandenburg.de/si/xcms/detail.php/247143 ; § 3 EinglV
Bremen	Language proficiency assessment at the latest one year before school starts, a second assessment at the date of school enrolment	Language support courses during the year preceding school enrolment	Pre-school language courses are recommended, but not mandatory; children without sufficient language proficiency at the date of school enrolment can be obliged to attend additional language courses for up to half a year	§ 37 BremSchulG und Verordnung über die Anforderungen an die Kenntnisse der deutschen Sprache als Voraussetzung für die Einschulung in eine Regelklasse vom 16. Juni 2005 (<i>Brem.GBl. S. 313 - 223-a-15</i>)
Hamburg		Language support courses during the whole year preceding school enrolment	In case of insufficient language proficiency pre-school courses are mandatory	§ 28a HmbSG

Saarland	Language proficiency assessment in the context of school enrolment	Language courses during the six month before school starts	Pre-school language courses are recommended, but not mandatory; children without sufficient language proficiency at the date of school enrolment can be obliged to start school one year later; pre-school courses are compulsory for these children	§ 3 SchpfG und §4 SchoG <a href="http://www.bildung.saarland.de/Fru
ehDeutschLernen.pdf">www.bildung.saarland.de/Fru ehDeutschLernen.pdf
Rhineland-Palatinate	Language proficiency assessment in the context of school enrolment one year before school starts	Language support measures in pre-school/kindergarten the year preceding school enrolment	In case of insufficient language proficiency pre-school courses are mandatory	§ 64a SchulG; § 2a KitaG
Baden-Württemberg	Language proficiency assessment in the kindergarten	Language support organised by pre-school/kindergarten lasting one year; the federal state provides financial support		Pre-school language measures are a project by the Federal State Foundation of Baden-Württemberg (<i>Landesstiftung Baden-Württemberg</i>), see: www.sprachfoerderung-bw.de
North Rhine-Westphalia	Language proficiency assessment by the municipal school authority two years before school starts and at the date of school enrolment	Pre-school language courses during two years prior to school enrolment	In case of insufficient language proficiency pre-school courses can be mandatory as long as the child does not already attend a kindergarten with language support measures	§ 36 SchulG

